

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 519 of 2015

Shri Harish S/o Dayabhai Thakkar,
Aged about 55 years, Occ. Service,
R/o 105 Arihant- Sai-II, near Navjeevan Colony,
Wardha Road, Nagpur-15.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary,
Ministry of Rural Development Department,
Mantralaya, Mumbai-32.
- 2) The Superintendent Engineer,
Pradhan Mantri Gram Sadak Yojana,
Maharashtra Rural Development Association,
Bandhakam Sankul, near Ladies Club,
Civil Lies, Nagpur.
- 3) The Executive Engineer,
Pradhan Mantri Gram Sadak Yojna,
Akashwani Chowk, Sarpanch Niwas,
Civil Lines, Nagpur.

Respondents

Shri Manoj A. Sable Advocate for the applicant.

Shri P.N. Warjurkar, Id. P.O. for the respondents.

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGEMENT

(Delivered on this 3rd day of October,2017)

Heard Shri M.A. Sable, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The applicant was appointed as Deputy Engineer. Vide order dated 21/6/2011 he was deputed in Pradhanmantri Gram Sadak Yojana and joined as such in the said scheme on 2/9/2011. Thus from 2/9/2011 he is doing work of Deputy Engineer in Pradhanmantri Gram Sadak Yojana scheme.

3. The applicant submits that as per the rules it is mandatory to the Government to provide inspection vehicle to the respective officers for inspection of various works within their jurisdiction. The respondent no.3 accordingly issued an order to supply vehicle for inspection to one "Aaichi Krupa Travels". The said Aaichi Krupa Travels provided inspection vehicles w.e.f. 15/11/2011.

4. According to the applicant the said agreement with Travel Agency had expired on 14/11/2012 and the Travel Agency thus discontinued providing inspection vehicles. The applicant made a representation to provide the vehicle on hire basis or to allow him to use his own vehicle and to grant him Travelling Allowances (TA). In the month of December, 2012 and January,2013 no vehicle was

supplied. The applicant was therefore compelled to use his own private vehicle for the purposes of inspection. The respondent no.3 approved the tour diaries without taking objection and also granted travelling allowances bill for December, 2013 as per clause 5 of the G.R. dated 3/3/2010. However the bill for the month of January,2013 was not paid.

5. The applicant thereafter submitted T.A. bills for the month of January and February, 2013. The respondent no.3 however did not allow the T.A. bills the flimsy reasons that the applicant has not taken prior permission to use private vehicle from competent authority.

6. On 4/2/2014 the respondent no.3 wrote a letter to respondent no.2 regarding the approval of rejected the T.A. bills. However vide letter dated 10/2/2014 the respondent no.2 gave directions to respondent no.3 for correction of the bills. On 24/9/2014 the respondent no.2 passed an order whereby the T.As. for the months of January,2013, February,2013 and June,2013 were refused.

7. According to applicant he has made a representation to the respondent no.3 giving all details and submitted that actual bill of Rs.44,672/- be granted to him. However by wrongly appreciating G.R. respondent no.3 had wrongly paid Rs. 9,520/- only to the

applicant and therefore the applicant is entitled to balance of Rs.35,152/-.

8. The respondent nos. 2&3 have filed reply-affidavit and submitted that the applicant was informed vide letter dated 19/11/2012 that he shall use the contract vehicle from the Agency Aaichi Krupa Travels. When the applicant informed that the contract was expired, he was directed to use the said vehicle under contract in spite such expiry date. It was also informed that the vehicle hired from Aaichi Krupa Travels was to be shared by Deputy Engineer (1) and Deputy Engineer (2). However instead of using that vehicle the applicant has used his own vehicle and no prior permission of the competent authority was taken and therefore his bills were refused.

9. It is stated that when the period of bills extends beyond one year, the same are to be approved by the Superintending Engineer. As per Para no. 7 of the G.R. dated 3/3/2010 if the applicant has any grievances, he has remedy to approach before the Higher Authority, i.e., Chief Engineer, PMGSY, Maharashtra, but without adopting that procedure, the applicant has approached the Tribunal. It is stated that the bills have been sanctioned as per due procedure and rules.

10. From the documents placed on record as well as the pleadings and arguments put forth by the counsel for respective parties it is clear that the dispute can be compassed in a limited circumference. The material points are (1) whether the applicant was permitted to use his own vehicle, (2) whether the applicant was expected to use the vehicle hired from Aaichi Krupa Travels Agency, (3) whether the applicant was to share the vehicle with another Dy. Engineer and (4) whether the applicant had raised his grievance of refusal of proper amount to him as travelling expenses to the competent authority. The Tribunal is not expected to go into the details as to whether the bill was submitted as per rules or not or whether the objections to the bills have been taken by the authority are legal and proper. Admittedly, the bills of the applicant were to be dealt with by Executive Engineer and Superintending Engineer. In Para no. 7 of the reply-affidavit of the respondent nos. 2&3 it is stated that the applicant has remedy to approach before higher authority, i.e., the Chief Engineer, PMGSY, Maharashtra if his representation is not properly addressed by the Executive Engineer / Superintending Engineer. In the present case the applicant has been deputed by the Chief Engineer. He filed the representation for first time for getting proper travelling charges to the Executive Engineer. It seems that he

has stated vide letter dated 12/6/2013 to the Executive Engineer that he was using his own vehicle since the contract of hired vehicle came to an end and no new vehicle was provided. However the Executive Engineer vide letter dated 19/9/2013 (A-9,P-62) has intimated that the applicant has not obtained prior permission from the competent authority. The applicant then filed representation to the Executive Engineer on 26/9/2013 on which the Superintendent Engineer has given direction to Executive Engineer vide letter at Annex-A-11. Thereafter there is a correspondence from Executive Engineer to the applicant as per letter at Annex-A-12 and from applicant to Executive Engineer as per letter at Annex-A-13 on 5/9/2013 and thereafter the Superintending Engineer again requested to the Executive Engineer to pay the bills to the applicant as per letter dated 24/9/2014 at P.B. page nos. 68 & 69 and finally the applicant has filed a representation on 21/1/2015 to the Executive Engineer. It seems that the applicant never approached the Competent Authority, i.e., Chief Engineer as stated by the respondents. The Chief Engineer is not party to this O.A. Considering all these aspects, I feel that it will be in the interest of justice and equity to give an opportunity to the applicant to make his legal grievance to the Chief Engineer, who can address all the points raised by the applicant. Hence, the following order:-

ORDER

The O.A. is partly allowed. The Executive Engineer, Pradhan Mantri Gram Sadak Yojna, Nagpur is directed to send the representation filed by the applicant on 21/1/2015 (P-70 to 72) (both inclusive) to the Chief Engineer for further necessary action on his own. The applicant is also given an opportunity to file a detailed representation making all his grievances to the Chief Engineer. The applicant shall make such comprehensive representation to the Chief Engineer within a period of one month from today. The Chief Engineer shall take decision on the said representation so also the applicant's representation dated 21/01/2015 which shall be forwarded by the Executive Engineer, Pradhan Mantri Gram Sadak Yojna, Nagpur to Chief Engineer, within three months from the date of receipt of such representation. No order as to costs.

(J.D. Kulkarni)
Vice-Chairman (J).

dnk.