

Registrar General

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U/RUB
06/8/18

R-6301/18

May kindly peruse the letter no. 329/XV dated 23.04.2018 of the District Judge, Kushinagar regarding payment of bills against traveling T. A. incurred by Sri Anupam Goyal, Additional District Judge, Kushinagar.

In the instant letter dated 23.04.2018, the District Judge, Kushinagar has stated that on the application submitted by Sri Anupam Goyal, Additional District Judge, Kushinagar for payment of bills against traveling T. A., the Finance Committee of the Kushinagar Judgeship was passed the resolution that it does not seem proper to make payment of bills against traveling T. A..

Due to abandoned from service of Sri Anupam Goyal by the resolution dated 19.07.2016 of Hon'ble Administrative Committee, does not taken permission to leave the station for travelings and resolution of the Finance Committee, the District Judge, Kushinagar wants to direction from the High Court to make payment of bills for traveling T. A..

In this regard, it is submitted that Sri Anupam Goyal was submitted the traveling T. A. bill on account of presence before Hon'ble Mr. Justice Manoj Misra, Inquiry Judge at High Court, Allahabad in Departmental Inquiry no. 01/2015 on 25.03.2017, 06.05.2017, 16.06.2017, 26.08.2017, 16.09.2017, 18.11.2017 & 25.11.2017, presence in UBUNTU training program on 03.01.18 & 04.01.18 in JTRI, Lucknow and presence in State Level Judicial Officers' Conference on 09.09.17 & 10.09.17. Hence, it is clear that Sri Anupam Goyal was perform the travel/journey in Departmental Inquiry.

In this regard, it is also submitted that the rules no. 59, 59(A) and 59 (B) of the Financial Hand Book Volume No. -III say as under:-

"59. (1) A government servant whether he is on duty or on leave, who is summoned to give evidence of facts that have come to his knowledge in his official capacity in any criminal case, or in any civil or revenue case to which the Government is a party or in a departmental inquiry, may draw travelling allowance at the ordinary rates, on a certificate of attendance in the prescribed form, if any, granted by the court or the authority conducting the inquiry, which he should attach to his bill.

(2) A government servant summoned to give evidence under any other circumstances is entitled to receive his actual travelling expenses from the court.

(3) Any fees or expenses deposited for the subsistence allowance of the witness in a civil, revenue or criminal court, and in the case described in clause (1), also any fees or expenses for travelling allowance so deposited must be credited by the court to the revenues of the State; provided that if the witness is an employee of the Central Government or Railway, the fees or expenses deposited for him should be credited to the department concerned of that Government.

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(4) In the case of a witness who is subject to the Payment of Wages Act, 1936, the fees or expenses referred to in clause (3) should be credited to Government by the court itself; provided that if such a witness is an employee of the Central Government or Railway or any other commercial department under the Government of India, the fees or expenses deposited for him should be credited by the court direct to the department concerned of that Government.

(5) This rule does not apply to jamadars, village chaukidars, patwaris in the hill pattis of Kumaun Division and in the Tarai and Bhabar and Garhwal Bhabar Government Estates and government servants of the Category-IV (except naiks and police constables) who may receive their expenses from the court in the ordinary way.

59-A. A government servant under suspension who is required to perform a journey to attend the departmental enquiry (other than a police enquiry) may be allowed travelling allowance as for a journey on tour from his headquarters to the place where the departmental enquiry is held, or from the place at which he has been permitted to reside during suspension to the place of enquiry, whichever is less. No travelling allowance will, however, be admissible if the enquiry is held at the outstation at his own request.

NOTE—(1) Travelling allowance in such a case will be regulated by the category to which the government servant belonged immediately prior to his suspension.

NOTE—(2) If the government servant under suspension is, as a result of the departmental proceedings taken against him, removed or dismissed from service subsequently, and the removal or dismissal has effect from the date of his suspension, the amount paid to him as travelling allowance under this rule need not be recovered from him.

NOTE—(3) All-India Service Officers serving in connection with the affairs of the State and the State Government servants whether on duty or on leave or under suspension, who undertake journeys to out stations to peruse official records for the preparation of their defence in connection with the disciplinary proceedings instituted against them, will be allowed travelling allowance as for a journey on tour without any allowance for halts on journeys subject to the following conditions:

(i) The travelling allowance will be allowed from the headquarters of the government servant or from any other place where he may be spending his leave, or where the suspended government servant has been permitted on his own request to reside, but not exceeding what would be admissible had the journey been undertaken from the headquarters of the government servant.

(ii) The enquiring officer certifies that the official records to be consulted are relevant and essential for the preparation of the defence statement.

(iii) The competent authority certifies that the official records could not be sent to the headquarters station of the government servant or the bulk of the documents ruled out the possibility of copies being made out.

(iv) The Head of Office under whose administrative control the government servant is, certifies that the journey was performed with

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his approval.

59-B. (1) A government servant removed or dismissed or compulsorily retired from service but under the orders of the appellate or reviewing authority it is decided to hold a further or fresh departmental enquiry in which the government servant is required to appear before such an enquiry, may be allowed travelling allowance at ordinary rates as for a journey on tour from the place where he receives the summons asking him to appear before the enquiry to the place where the departmental enquiry is held; provided the amount of travelling allowance will not exceed the amount which would have been admissible to him had he performed the onward and return journeys from his home town to the place of enquiry.

(2) Travelling allowance will be calculated according to the category to which the government servant concerned would belong on the basis of the pay of the post immediately held by him prior to his removal, dismissal or compulsory retirement from service.

(3) The appellate or reviewing authority will be the controlling officer for the purpose of travelling allowance bill of the government servant concerned."

In view of the above, the District Judge, Kushinagar may be informed that kindly take necessary action at your end on the application of Sri Anupam Goyal, Additional District Judge, Kushinagar regarding travelings T. A. as per the rules no. 59, 59(A) and 59 (B) of the Financial Hand Book Volume No. -III.

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Registrar (Judicial) (Budget)

Approved "A"
Ccy
27/8/18