

Siddaiah Vs. State of Karnataka, Represented by Its Secretary

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Court : Karnataka

Decided On : Sep-16-2014

Judge : K.L. Manjunath & a.V. Chandrashekara

Appeal No. : Writ Petition No. 12181 of 2014 (S-KAT)

Appellant : Siddaiah

Respondent : State of Karnataka, Represented by Its Secretary

Judgement :

(Prayer: This Wp Is Filed Under Articles 226 And 227 Of The Constitution Of India Praying To Quash The Impugned Order Dt:28.08.2013 (Annex-A) Passed By The Hon'ble K.A.T. In Application No.524/10 Etc.,)

1. Present writ petition is filed under Articles 226 and 227 of the Constitution of India challenging the order dated: 28.08.2013 in application No.524/2010 dated: 18.01.2010

2. The petitioner was a Joint Director to the Government of Karnataka in the Department of Parliamentary Affairs and Legislation. He along with his family members had visited his native place and had claimed a sum of Rs.19,560/- as Home Travelling Allowance. According to him Rule 549(14) of Karnataka Civil Rules is applicable and therefore, he should have been granted a sum of Rs.19,560/-. As against his claim, a sum of Rs.5,280/- alone has been granted to him and being aggrieved by the said order, he choose to challenge the said order

under the Karnataka Administrative Tribunal in application No.524/2010.

3. After hearing his arguments and perusing the KCSR, compensation in regard to the travel made by the applicant along with his family members in his own car on two occasions to his native place, the Tribunal has affirmed the decision taken by the government holding that the petitioner is entitled for only a sum of Rs.5,280/-.

4. We have perused the impugned order.

5. Since, the applicant has travelled in his own car from Bangalore to his native place, Rule 549(17) of the Karnataka Civil Rules states that when an official travels by his own car to the places connected by railway, the claims should be the fare equivalent to I Class or Single Mileage whichever is less and in both the cases, that is when a Government servant actually travels by a train and travels by car between places connected by train, the claim should be that of I Class fare or Single Mileage, whichever is less. Taking into consideration that the applicant has travelled in his own car from Bangalore to his native place, the Government has invoked Rule 549(17) and the Tribunal.

6. After going through the records, we are satisfied that the Tribunal has passed an order properly invoking the provisions of Rule 549(17) of the Karnataka Civil Rules which is applicable to the facts of the case. Therefore, we do not find any reason to interfere with the well considered order of the Tribunal.

Accordingly, the writ petition is dismissed.

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