

THE HIGH COURT OF MEGHALAYA

WP(C). No. 88 of 2016

1. Dr. Arun Kumar Mehta,
S/o Late Sri Ram Krishna Mehta
R/o Assam Rifles Composite Hospital,
Dimapur, Nagaland.

... **Petitioner**

-Versus-

1. The Union of India,
Represented by the Secretary of
Home Affairs, New Delhi,
D.G.A.R, Assam Rifles, Shillong.

...**Respondent**

**BEFORE
THE HON'BLE MR JUSTICE S.R.SEN**

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| For the petitioner | : | Mr. R.Jha, Adv. |
| For the respondent | : | Mr. K. Paul, CGC |
| Date of hearing | : | 28.08.2017 |
| Date of Judgment | : | 28 .08.2017 |

JUDGMENT AND ORDER (ORAL)

Heard Mr. R.Jha, learned counsel on behalf of the petitioner as well as Mr. K.Paul, learned CGC on behalf of the respondent.

2. The petitioner's case in a nutshell is that:

"The instant writ is preferred by the petitioner challenging the in action and denial

of grant of Transport allowances to the petitioner.

The factual matrix of the instant case is that the petitioner came on posting from CRPF and joined Assam Rifles, Composite Hospital on 02nd April 2014 as Medical Superintendent/DIG medical. The petitioner submitted application on 07th October 2014 to the respondent authorities for sanction of transport allowances w.e.f. 01st September 2014 which was returned by the respondent on 19th December 2014 on the ground that the officer has been provided with dedicated Staff car.

The petitioner again submitted representation dated 02nd June 2015 stating the provisions of Govt. of India, Ministry of Finance notification, and also stated that Staff car is applicable only to the grade pay of Rs. 10,000/- and the petitioner is in the grade pay of Rs. 8900/- and the staff car is not authorized up to the petitioners grade pay (Rs. 8900/-).

The respondent did not agree with the said explanation and returned the application stating the demand is not justified. In spite of admission and publication of Office order dated 27th September 2014. The petitioner being aggrieved and left with no other option is preferring this instant petition for grant of transport allowances.”

3. Mr. R.Jha, learned counsel for the petitioner submits that he came on posting from CRPF and joined the Assam Rifles Composite Hospital on 02-04-2014 as Medical Superintendent/DIG Medical and was allotted an official car. Learned counsel further submits that the petitioner is not interested in the official car and would rather want his conveyance allowance.

4. In reply, Mr. K.Paul, learned CGC submits that he is not entitled for an official car as well as conveyance allowance both at a time.

5. I agree with the submission made by the learned CGC and direct the petitioner to make a proper representation to the authority concerned. The authority concerned is directed to allow him to draw the conveyance allowance as per his entitlement, instead of providing him with an official car. Let this whole exercise be completed within a month. Till the petitioner is allowed to draw the conveyance allowance, he should be allowed to use the official car.

6. With this observation and direction, this writ petition stands disposed of.

JUDGE

S.Rynjah