

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

CLAIM PETITION NO. 101/SB/2024

Arun Kumar Goel, aged about 61 years, S/o late Sri Pooran Mal Goel, R/o Mahadev Vihar, General Mahadev Singh Road, Dehradun, retired as Superintending Engineer from the office of Engineer-in-Chief, P.W.D., Dehradun.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, Public Works Department, Government of Uttarakhand, Secretariat, Dehradun.
2. Engineer-in-Chief and Head of Department, Public Works Department.

..... Respondents

Present: Sri Arun Kumar Goel, Petitioner
Sri V.P. Devrani, A.P.O., for the Respondents

JUDGEMENT

Dated: 05th April, 2025

Justice U.C. Dhyani (Oral)

By means of present petition, the petitioner seeks following reliefs:

“(i) That this Hon'ble Tribunal may graciously be pleased to set aside and quash the impugned order dated 12.10.2023 (Annexure No. A-1), which has been passed in violation of government order number 169/IX-1/215/2011/2016 dated 10.03.2016.

(ii) That this Hon'ble Tribunal may graciously be pleased to issue an order or direction to the respondents to grant vehicle reimbursement w.e.f. 01.07.2021 to 16.01.2022 to the petitioner with 2% monthly compound interest on delayed payment of vehicle reimbursement and to grant compensation of Rs. 62,000/- and to grant 2% monthly compound interest on the amount of interest on

delayed payment and compensation till the payment of vehicle reimbursement.

(iii) That this Hon'ble Tribunal may graciously be pleased to pass any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case in favour of the petitioner.

(iv) That this Hon'ble Tribunal may graciously be pleased to decide this petition expeditiously and may graciously be pleased to allow this petition with cost as quantified Rs. 21,000/-."

2. Petitioner has filed affidavit in support of his claim petition. Relevant documents have been filed in support of the same.

3. According to the claim petition, the petitioner was posted as Superintending Engineer, A.D.B. Circle, PWD, Tehri in the year 2021. The petitioner was posted in the office of Engineer-in-Chief *vide* office order dated 01.06.2021 and he used his own car continuously for government duties. Petitioner obtained vehicle reimbursement upto 30.06.2021 from his previous office.

4. Petitioner submitted an application on 01.07.2021 for vehicle reimbursement. Legal opinion was sought on the same. Law Officer gave the opinion that the petitioner is entitled to vehicle reimbursement allowance.

5. An old ambassador car of the year 2004 was allotted to the petitioner on 23.09.2021. That vehicle was not prescribed for the officers of the rank of Superintending Engineer, as per G.O. dated 19.08.2014. The ambassador car was not suitable for hill journey. An air conditioner with alteration was inserted in ambassador car in violation of the transport rules. A vehicle was made available to the petitioner from 17.01.2022. As per the claim petition, petitioner is entitled to vehicle reimbursement from 01.07.2021 to 16.01.2022.

5.2 According to the petition, any G.O. for taking prior permission for using own car does not exist.

6. The claim petition has been contested on behalf of the respondents. Sri L.P. Thapliyal, Senior Staff Officer, Office of Engineer-in-Chief, Public Works Department, has filed counter

affidavit on behalf of respondents. Relevant documents have been filed in support of the counter affidavit.

7. In the C.A., it has been stated that the petitioner was transferred to the office of Engineer-in-Chief, PWD, Uttarakhand, Dehradun, from the office ADB, PWD, Tehri and he joined the office on 02.06.2021. After joining the said office, petitioner did not furnish any application to the competent authority for allotment of government vehicle for discharging his official duties. Thereafter, the petitioner moved an application on 01.07.2021 for sanction of reimbursement of personal vehicle to him from the month of July 2021 onwards. Considering the said request, the then Engineer-in-Chief/ HOD *vide* its order dated 15.09.2021 allotted government vehicle on 23.09.2021 to the petitioner. The petitioner was not satisfied with the condition of such vehicle. He demanded a new vehicle. Considering the request of the petitioner, Engineering-in-Chief/ HOD *vide* letter dated 15.01.2022 allotted another vehicle to the petitioner.

7.1 Petitioner gave a letter on 07.04.2022 for compensatory reimbursement amount for use of his private vehicle along with 2% monthly penal interest from 01.07.2021 till the date of actual payment.

7.2 The Engineer-in-Chief convened a meeting and disposed of several representations of the petitioner *vide* letter dated 06.10.2023 primarily on the ground that no application for providing official vehicle was given and personal vehicle was used without taking prior permission.

8. Rejoinder affidavit thereto has been filed by the petitioner reiterating the facts contained in the claim petition along with relevant documents.

9. Order dated 12.10.2023 (Annexure No.1) issued by Chief Engineer (Planning), PWD, is in the teeth of present claim petition, whereby vehicle reimbursement was denied to the petitioner,

primarily on the ground that prior permission of Engineer-in-Chief/HOD was necessary for using personal vehicle. Such permission has not been taken

10. The petitioner is claiming vehicle reimbursement for the period 01.07.2021 to 16.01.2022. The Tribunal could not lay its hand on any G.O. existing prior to 17.02.2023 to show that previous approval of the department is necessary for claiming reimbursement for using personal vehicle by an officer. It appears that the idea of prior permission for using personal vehicle was introduced for the first time *vide* G.O. no. 212/ IX-1/2016/2011/2023 dated 17.02.2023. A bare reading of para 3(4) of such G.O. would reveal that if any officer has not been provided official vehicle then he can be provided a vehicle by outsourcing a vehicle or vehicle reimbursement for using personal vehicle after seeking permission.

11. Here, the petitioner was not using taxi. He has used, as per his scale, his own vehicle for official purposes.

12. In the G.O. dated 10.03.2016 (Annexure: CA R3), it has been mentioned, in para 6, that if any officer has not been provided official vehicle then the officer can use his personal vehicle for official purposes. The rates of vehicle reimbursement have been provided in the said G.O.

13. Now, let us find out the duration for which the petitioner is entitled to vehicle reimbursement allowance?

14. In para 4(iii) of the claim petition, the petitioner has mentioned that he has been given vehicle reimbursement upto 30.06.2021. In para 4(iv) of the petition, he has submitted that an application was given by him on 01.07.2021. Department sought legal opinion. Law Officer gave opinion for sanctioning vehicle reimbursement to the petitioner as per G.O. dated 10.03.2016.

14.1 An old ambassador car was allotted to him on 23.09.2021 as per para 4.6 of the petition. Thus, it is clear that the petitioner

was not provided any vehicle from 01.07.2021 to 23.09.2021. He is entitled to vehicle reimbursement for such period.

14.2 In para 4(vi) of the claim petition, it has been stated that old ambassador car of 2004 was allotted to him on 23.09.2021. The vehicle was not prescribed for the officers of the rank of Superintending Engineer. The ambassador car had completed 15 years and was not suitable for his journey. Too much expenditure was done on that car. An air conditioner with alteration was inserted in the ambassador car in violation of transport rules. Finally, a vehicle was made available to him on 17.01.2022.

14.3 The petitioner has, in para 4(vi) of the petition, found fault with the vehicle allotted to him. No such fault has been shown in office memorandum dated 19.08.2014 (Annexure No. 6) issued by Dr. S.S. Sandhu, Principal Secretary, PWD, Govt. of Uttarakhand. No such issue, it appears, was raised by the petitioner when vehicle was allotted to him as per G.O. dated 19.08.2014

15. Office Memorandum dated 23.09.2021 (Annexure: CA R1) indicates that official vehicle with registration no. UA-07G-9767 was allotted to the petitioner by Chief Engineer (Planning). Thereafter, *vide* office order dated 15.01.2022, another vehicle bearing registration number UK-07TB-6029 was allotted to him. Official vehicle was, therefore, allotted to him on 23.09.2021. There was no occasion for the petitioner to use personal vehicle for official purposes and claim vehicle reimbursement once official vehicle was allotted to him on 23.09.2021.

16. Petitioner's complaint that vehicle no. UA-07G-9767 had outlived its utility was not found favour with, by the respondent department in the meeting dated 13.09.2023 (minutes, Annexure CA R4). In para 3 of such extracts of meeting, it has been mentioned that registration certificate of such vehicle is valid upto 2026 and the officers of the Chief Engineer's office have used the same upto March, 2023, without any complaint.

17. The Tribunal observes that a Govt. servant in a developing country like India cannot claim a vehicle of particular specification or a vehicle of decent condition as per his choice for performing his official duties, as a matter of right, unless it is so provided in his service conditions.

18. Thus, the petitioner is entitled to vehicle reimbursement from 01.07.2021 to 23.09.2021 only, on the basis of above discussion.

19. The claim petition is disposed of by directing respondent department to pay vehicle reimbursement *w.e.f.* 01.07.2021 to 23.09.2021 to the petitioner within 12 weeks of presentation of certified copy of this order before respondent no. 2, failing which the respondent department shall be liable to pay 6% simple interest per annum on delayed payment of such amount to the petitioner. For avoidance of doubt, it is made clear that the petitioner shall be entitled to interest only after 12 weeks of presentation of certified copy of this order before respondent no. 2 till the date of actual payment. No order as to costs.

(Justice U.C. Dhyani)
Chairman

DATE: 05th April, 2025
DEHRADUN
RS