

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

D.B. Spl. Appl. Writ No. 367/2024

Suraj Mal Maliwad S/o Shri Lal Maliwad, Aged About 30 Years,  
R/o Mukam Piyola Post Bawadi Tehsil Chikhalli District Dungarpur  
Rajasthan 303140.

----Appellant

Versus

The Director, Directorate Of Ayurved Department Government Of  
Rajasthan Ajmer.

----Respondent

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For Appellant(s) : Mr. Ripudaman Singh  
For Respondent(s) : Mr. B.L. Bhati, AAG  
Mr. Deepak Chandak

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**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**  
**HON'BLE MR. JUSTICE MUNNURI LAXMAN**

**Order****01/04/2024**

1. The present controversy arises out of the fact that the appellant while holding the post of Ayurved Nurse/Compounder has been transferred vide order dated 20.02.2024 from Government Ayurved Hospital Jhothri, Dungarpur to Government Ayurved Hospital Bordiya, Pratapgarh without being paid the travelling allowance and the joining period.

2. Learned counsel for the appellant harps upon Rule 17 of the Rajasthan Travelling Allowance Rules, 1971 (hereinafter to be referred as 'the Rules of 1971') which decides the admissibility of travelling allowance on transfer and has made submission that such admissibility which the appellant was entitled has been denied by the respondents.



3. Learned Additional Advocate General submits that non-grant of travelling allowance can at best be an irregularity which can be cured at any point of time and he has instructions to state that the respondents are now prepared to pay travelling allowance to the appellant as per the entitled rates and in accordance with Rule 17 of the Rules of 1971 for the transfer order made on 20.02.2024.

4. After hearing the counsel for the parties, this Court finds that the limited controversy is that whether such Rule 17 of the Rules of 1971 is to be construed in favour of the appellant so as to entitle him for admissibility of travelling allowance on transfer.

5. Rule 17 of the Rules of 1971 reads thus :-

**"17. Admissibility of Travelling Allowance on Transfer-**

(1) A Government servant who is transferred from one station to another in public interest and not at his own request shall be entitled to Travelling Allowance at the rates given in Appendix appended to this Chapter,

(2) A Government servant who takes leave not exceeding 4 months after, he has given over charge of his old post and before he has taken charge of his new post is entitled to Travelling Allowance under these rules, irrespective of the fact whether order of transfer is received before or after the commencement of leave.

(3) A Government servant whose posting is changed while in transit from one post to another is entitled to Travelling Allowance:-

(i) from his old station to that place enroute to the station to which he was originally proceeding at which he receives his further orders of transfer, and

(ii) thence to his new Station.

(4) A Government servant deputed for a temporary duty at a station other than the place of his posting or transferred temporarily for short period not exceeding 30 days shall not be treated to have been transferred for the purpose; of



claiming Travelling Allowance under this rule. In the absence of any orders to the contrary the journey performed by in such cases shall be treated as journey on tour.

<sup>1</sup>[(5) A Government servant who is transferred within Municipal Limits / Urban Agglomeration limits and the distance of new office exceeds 15km. and such a Government servant charges his place of residence, he will be entitled to only lump sum transfer grant, as indicated in Appendix appended to Rule 17.]”

6. This Court, in its considered decision, affirms the view taken by the learned Single Bench, and holds that the admissibility of travelling allowance is a separate component, which would not impact the legality of the transfer order, and any irregularity in admissibility of the travelling allowance would always be an issue, which can be cured at any point of time, in accordance with the Rules. The determination of the admissibility of travelling allowance shall not be construed as a non-curable defect in the transfer order.

7. Since the respondents themselves are prepared to pay the travelling allowance in accordance with the Rule 17 of the Rules of 1971 to the appellant and liberty is already there with the appellant, the present appeal is disposed of while directing the respondents to pay the travelling allowance to the appellant strictly in accordance with Rule 17 of the Rules of 1971 within a period of three months from today in accordance with law for the transfer order dated 20.02.2024.

8. This Court has kept into consideration that the appellant has already joined in pursuance of the transfer order dated 20.02.2024 and also the fact that the admissibility of the transfer allowance would only entitle/dis-entitle the appellant for claiming



the travelling allowance and once he is held to be entitled by the State, the controversy stands resolved.

**(MUNNURI LAXMAN),J**

**(DR.PUSHPENDRA SINGH BHATI),J**

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