

Central Administrative Tribunal
Principal Bench, New Delhi

OA No.1440/2019

New Delhi, this the 10th day of January, 2020

Hon'ble Mr. S.N.Terdal, Member (Judicial)

K.P.Pandey,Age 58 years,Group "C"
S/o Late Sh. Dev Kumar Pandey
R/o 80477, Gali No.20
Bhajan Pura, New Delhi 110053
Working as (ASI), Group "C' Delhi Police
PIS No.29880211
Presently Posted at
EOW Cell, Mandir Marg,New Delhi -Applicant
(By Advocate: Mr. Harkesh for Mr. Yogesh Kr.Mahur)

Versus

1. The Govt. of NCT of Delhi
Through Commissioner of Police
Police Headquarter, I.P. Estate, New Delhi.
2. Dy. Commissioner of Police
North-East District,
Main G.T. Road,
Seelampur, New Delhi 110053

– Respondents

(By Advocate: Mr. Amit Yadav & Mr.H.A. Khan)

ORDER (ORAL)

Learned counsel for the applicant submits that in identical matter (W.P. (C) 3106/2019 & CM & Appl. No.14227/2019 Joginder and Ors. vs. Govt. of NCT of Delhi & Ors.), Hon'ble High Court of Delhi has directed that differences recovered from the applicant. The relevant portion of which is extracted below:-

"14. We are of the considered view that the circular is meant to be obeyed and followed scrupulously and that there was no reason for the officers to not have complied with the terms of the circular. While the initial stand of Mr.Chhibber that since the petitioners had already travelled and paid the amount to their

travel agents, the full amounts should be reimbursed to them is without any force; in view interests of justice would be served if the respondents reimburse to the petitioners their claims towards LTC as per the amounts payable according to the price of air-tickets charged by authorized travel agents; and recover/adjust/deduct from the petitioners the amounts in excess of such price, that may have been paid to the petitioners.

15. Accordingly, we modify the order of the Tribunal to the extent that the respondents would be entitled to recover the 'difference' of the airfare as per the price offered/charged by authorized agents and the airfare paid to the petitioners."

2. Learned counsel for the respondents vehemently and strenuously submits that the case is not identical. But, however, from the perusal of the fact it is clear that the case is identical.

3. In view of the order of the Hon'ble High Court extracted above and in view of the fact that usually fares of LTC ticket are higher than the fares of ordinary ticket and as the applicant had already undertook the journey he may be reimbursed the amount already actually spent by him towards the air fare, but if he is allowed to reimburse the fare of LTC ticket, then that amounts being usually higher, it leads to unjust enrichment that too for disobeying the stipulation of the circular, as such the OA is disposed of holding that the amount actually spent by the applicant towards the air-fare for having undertaken the tour

shall be allowed to applicant, and with a direction to the respondents to recover the difference, if any, of the amount actually paid by the applicant towards the air-fare for the journey undertaken by him and the amount paid to him /claimed by him.

**(S.N. Terdal)
Member (J)**

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