

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA NO.: 1949/2001

(P)

New Delhi this the 11th day of January, 2002.

Hon'ble Shri M.P. Singh, Member(A)

A.N.Jha
R/o 29 B-Arjun Appartment
Villas Puri,
New Delhi.Applicant.
(By advocate: Shri Pawan Kumar)

Versus

1. Government of India
Ministry of Commerce & Industries
through its Secretary
Department of Supply
Poorti Vibhag
'C' Wing, Nirman Bhawan,
New Delhi.
2. Ministry of Personnel, Public Grievances
& Pension
Department of Personnel & Training
through its Director,
New Delhi-110011Respondents.
(By Advocate: Shri S.M.Arif)

O.R.D.E.R(Oral)

By Shri M.P. Singh, Member(A)

Heard both the rival contesting parties and perused the records.

2. In the present case, the only short controversy is whether the applicant, who had commenced his journey on 7.3.2000 for availing the home town L.T.C. during the block year of 2000-2001, is entitled to avail the same in view of the instruction issued by the Ministry of Personnel, Public Grievance & Pension vide letter dated 2nd March, 2001.
3. The admitted facts of the case are that the applicant requested for LTC advance for visiting his home town during the block year of 2000-2001. He was accordingly granted LTC





advance and he commenced his journey on 7th March, 2001. In the meantime, the Finance Minister, in his budget speech, made an announcement on 28.2.2001 relating to suspension of LTC facility to Central Government employees. As per aforesaid announcement, the facility of home town LTC and All India LTC to Central Government Employees was suspended for a period of two years with immediate effect. Employees who have less than 2 years service before retirement as on 1st March, 2001 will be exempted from the operation of this LTC suspension order, provided that they have not availed the facility in the current block. This was followed by a letter dated 2.3.2001 issued by Department of Personnel & Training.

4. The contention of the applicant is that the letter of Department of Personnel & Training dated 2nd March, 2001 was circulated in his department, i.e., Department of Supply only on 12th March, 2001. He was, therefore, not aware that the LTC facility had been suspended for the period of two years with effect from 2.3.2001. The announcement made by the Finance Minister in his budget speech was only a proposal and that proposal related to the financial year 2001-2002, which would have come into effect only from 1st April, 2001. He has also argued that the budget allocation for the financial year 2000-2001 had already been sanctioned and, therefore, the instructions dated 2nd March, 2001 could not have been made applicable for the expenditure related to the financial year 2000-2001.

mf

(12)

5. Learned counsel for the respondents drew my attention to para 3 and 4 of the letter dated 2.3.2001, which are as under:-

"3. In case of Government servants who have already booked the tickets, the cancellation charges will be reimbursed by the respective Ministries/Departments/Offices. The LTC advances already drawn, if any, may be refunded immediately without any penal interest.

4. The Government servants who have commenced their outward journey on LTC prior to date of issue of these instructions have to complete their inward journey as provided in the rules for availing LTC facility."

6. He submits that it is clear from the instructions contained in para 3 of the said letter that even if the employees who had booked the tickets in advance were required to cancel their booking. The cancellation charges were to be reimbursed by the Government. The LTC advance already drawn was also required to be refunded without any penal interest.

7. Para 4 makes it further clear that the Government servants who had commenced their outward journey prior to 2.3.2001 were to complete their inward journey as provided under the rules for availing LTC facility. In this case, the applicant commenced his journey after 2nd March, 2001 and hence he is not entitled for the reimbursed of LTC claims.

8. After perusing the records, I find that the letter issued on 2nd March, 2001 by the Department although not circulated to the applicant before 12th March, 2001 made it clear that those who had not commenced their outward journey

S/

13

before 2nd March 2001 were not entitled for availing the facility of LTC for the block year 2000-2001 and were to get the booking cancelled and refund the LTC advance. I also find from Annexure R-6 that the applicant himself has offered to refund the amount of Rs.8000 in 40 instalments vide an application dated 9th June, 2001. The contention of the applicant that the letter issued on 2nd March, 2001 was not circulated in time by the Department, and these were only the proposals in the budget speech of the Finance Minister are not tenable and are, therefore, rejected. The applicant who himself is working in Central Secretariat office and is holding the responsible post of Section Officer cannot claim ignorance of the Rules. In this view of the position, the respondents have rightly rejected the claim of the applicant vide letter dated 11th June, 2001. The OA has, therefore, no merit and is liable to be dismissed. I do so accordingly.

9. However, respondents are directed to recover the amount of Rs.8000/- in ten equal instalments. No costs.

MPS
(M.P.Singh)
Member(A)

/kd/