

Central Administrative Tribunal, Principal Bench
New Delhi

O.A. No.2646/2001

15

This the 1st day of August, 2002

Hon'ble Mr.Kuldip Singh, Member (J)

P. Prasad
S/o Late Kedarnath
R/o Quarter No.15
Sector 2, Sadique Nagar,
New Delhi-49. - Applicant
(By Advocate : Shri Neeraj Shekher)

Versus

1. Union of India through
Ministry of Defence
through its Secretary,
South Block, New Delhi.
2. Controller of Defence Account
Central Command
Lucknow Cantt.
3. Controller of Defence Account
Boarder Road, Organisation
Kushum House,
New Delhi-110 011.
4. Kumaun Mandal Vikas Nigam Ltd.
Oak Park House, Mallital
Mainital - 263 001
State of Uttaranchal. - Respondents
(By Advocate : Shri D.S. Mahendru)

ORDER (ORAL)

Hon'ble Mr. Kuldip Singh, Member (J)

The applicant in this OA is assailing the orders dated 11.7.2001 and 15.5.2001 (Annexure P-4 and P-3 respectively).

Vide Annexure P-4, the respondents had stated that the applicant is liable to refund back the amount of LTC advance, which he has received and the department wants to recover the same from the applicant along with interest. Vide Annexure P-3, the LTC claim as submitted by the applicant was returned back to him.

2. The facts in brief as alleged by applicant are that the applicant, who is a Govt. employee, preferred a claim for

KM

Leave Travel Concession for a journey, he had undertaken from Lucknow to Trivendrum commencing from 28.3.1998 to 11.4.1998. The applicant was sanctioned a sum of Rs.24,000/- in advance for the journey duly approved by the C.D.A. Lucknow. After undertaking the journey, the balance amount of Rs.2,740/- was claimed by the applicant, which was forwarded to the Controller Defence Accounts and the same was returned back to the applicant vide Annexure R-3. The representation was also made against the same, but the same had also been rejected by the respondents. The claim of the applicant is that vide OM dated 9.2.1998, the department had clarified that LTC would not be admissible for tours conducted by the I.T.D.C./State Tourism Development Corporation, Negaland tourism or Manipur Tourism or local bodies like Garhwal Mandal Vikas Nigam or Kumoun Mandal Vikas Nigam if the same is conducted in a bus leased, hired or chartered from private parties/persons. It is stated that prior to that journey undertaken by the applicant, the aforesaid OM was not communicated. It is stated by the applicant that the same is communicated only in the month of April 1998, whereas the applicant has already completed the journey. It is also stated by the applicant that the respondents are neither correct in its approach in initiating the process for recovery nor they have assigned any reason for rejecting the claim of applicant. Since the department had already verified the claim of the applicant so it is prayed that the order of rejection of payment is liable to be quashed.

3. The respondents have contested the OA and have stated that the applicant has submitted an application for an advance for availing LTC from Lucknow to Trivendrum and his request was admitted for a sum of Rs.24,000/- was given to the



applicant in advance. But the applicant had performed the journey by private bus LTC tour which was conducted by the Garhwal Mandal Vikas Nigam. After completion of tour w.e.f.28.3.1998 to 11.4.1998, the applicant submitted his claim for a sum of Rs.2740/- . While scrutinizing the said claim, it came to the knowledge of the respondents that as per the provisions of Govt. of India, DOP&T OM dated 9.2.1998 (Annexure RI) wherein it has been clarified that the journey on LTC by Chartered Buses on tour conducted by ITDC/State Tourism Vikas Nigam Ltd. would be permissible only if the tour is wholly conducted/operated by the above bodies in buses owned by them and Registered with Regional Transport Authority in the name of ITDC/STDC or local bodies etc. Since the tour was not conducted by the permissible mode of transport, the claim of the applicant was rejected.

4. I have heard learned counsel for the parties and I have gone through the record.

5. Learned counsel for the applicant himself has placed on record letter dated 29.3.1988 (Annexure P-1) which permit the LTC by Garhwal Mandal Vikas Nigam Limited and at the same, there is another letter placed on record of 9.2.1998 which prohibits for availing LTC by chartered buses on tour conducted by ITDC/State Tourism Development Corporations of local bodies like Garhwal/Kumayun Mandal Vikas Nigam Limited, if the same is conducted in a bus leased, hired or chartered from private parties/persons by the ITDC/STDCs/local bodies.

6. Admittedly, the applicant had undertaken LTC tour in violation of OM dated 9.2.1998 when the applicant was not

fm

entitled to go on LTC tour with Garhwal/Kumayun Mandal Vikas Nigam Limited, as it was not a recognised/permissible mode of tour on LTC. Thus, the rejection of LTC claim is appropriate and the applicant cannot claim that he has no knowledge of the aforesaid OM.

7. Having regard to the above, the OA is devoid of merit and is accordingly dismissed. No costs.


(Kuldip Singh)
Member (J)

/ravi/