

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.3009/2001

New Delhi, this the 11th day of January 2002

HON'BLE MR. M.P.SINGH, MEMBER (A)

Dr. V.T. Prabhakaran,
S/o late Shri T. Sankara Menon,
Working as Principal Scientist,
Indian Agricultural Statistics Research Institute
New Delhi-110012.

... Applicant

(By : Applicant in person)

V E R S U S

1. The Union of India
Through the Secretary,
Department of Agricultural Research &
Education,
Krishi Bhawan, New Delhi-110001.
2. The Indian Council of Agricultural Research
Through its Secretary,
Krishi Bhawan, New Delhi-110001.
3. The Indian Agricultural Statistics Research
Institute,
Through its Director,
Library Avenue, PUSA, New Delhi-110012.

... Respondents

(By Advocate: Ms. Anuradha)

O R D E R (ORAL)

The applicant, who is working as Principal Scientist in Indian Agricultural Statistics Research Institute, had applied for LTC advance to visit his home town for the block year 1998-99 by Indian Airlines from Delhi to Calicut & back. The applications for LTC advance were submitted on 25.5.1999 and 7.8.1999 respectively. On both these applications, the applicant had clearly indicated ^{that} the journey would be performed by Indian Airlines flight and the claim would be limited to AC First Class fare of Rajdhani Express, for which he was entitled. The journeys were performed in

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two batches. The applicant and his son were in one batch during June-July, 1999 and his wife and daughter were in another batch in August, 1999. Based on aforesaid applications, the first advance of Rs.32,760/- was paid in June, 1999 and the second advance of Rs.28,000/- in August, 1999. He submitted his first bill for adjustment to the respondents. According to him, the first bill of Rs.32,000/- was settled on 25.8.1999 (Annexure 6). It was only at the time of second bill, the respondents had raised objection and rejected his bill on the ground that he is entitled to only ordinary AC 1st class rates, as he had not actually travelled by Rajdhani Express. On that basis he was asked to deposit Rs.18626/- vide Memo dated 9.2.2001. He submitted a detailed representation to Secretary, ICAR (R-2), the respondents have not given any reply to his representation. Aggrieved by this, he has filed this OA seeking a direction to declare the order dated 22.3.2001, as null and void, and also sought a direction to respondent No.3 to refund the entire amount deducted from his salary, i.e., Rs.20,833.00 alongwith interest thereon at the rate of 18%.

2. Respondents in their reply have stated that as per Memo dated 31.3.1999 issued by the DOP&T, reimbursement of fares cannot be determined on a notional basis with reference to the fares applicable by the entitled class on the Rajdhani/Shatabdi Express. The respondents being

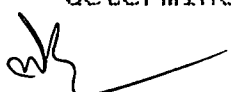
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a government organisation are bound to follow the above notification and hence there is no illegality in the aforesaid order passed by the respondents.

3. Heard applicant in person and Ms. Anuradha, learned counsel for the respondents and perused the records.

4. In the present case, the question for consideration before me is whether the applicant is entitled for the reimbursement of the fares on the notional basis with reference to the fare applicable for the entitled class by Rajdhani/Shatabdi Express. I have perused the clarification/order issued by the DOP&T on 31.3.1999 (Annexure R-1). Para 5 of the said clarification reads as under:-

"Point raised	Clarifications
5. LTC orders permit journeys by Rajdhani/Shatabdi Express Trains. Can the entitlement be determined on notional basis?	No. In order to be entitled to reimbursement of fares applicable on Rajdhani or Shatabdi Express, the journeys in question have to be actually performed by these trains. In cases where LTC journeys are undertaken in trains other than Rajdhani or Shatabdi Express by a class of accommodation higher than the one to which the employee is entitled to or by an alternative mode of travel (e.g. by air) to which he/she is not entitled, reimbursement of fares cannot be determined on a notional



(4)

basis with reference to the fares applicable by the entitled class on the Rajdhani/Shatabdi Express."

5. A plain reading of the aforesaid clarification shows that the applicant is not entitled for reimbursement of the air fare on the notional basis with reference to the fare applicable by the entitled class of the Rajdhani/Shatabdi Express and, therefore, the respondents have rightly rejected the claim of the applicant which is in accordance with the Rules and Instructions issued by the DOP&T, which is a nodal department of Govt. of India.

6. In this view of the matter, the present OA is without any merit and is accordingly dismissed. There shall be no order as to costs.


(M.P. SINGH)
MEMBER(A)

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