

Central Administrative Tribunal
Principal Bench

O.A. 1574/99

New Delhi this the 10th day of April, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

V.M. Sharma,
Sr. Auditor (Retd.),
R/o 272, Jublee Ganj Rajban
Bazar, Meerut Cantt, presently
residing at
C/o Shri S.K. Sharma,
Q.No. 427, Sec.VII,
Pushp Vihar, New Delhi.

Applicant.

(By Advocate Shri V.P.S. Tyagi)

Versus

1. Union of India through Secretary,
Ministry of Defence, New Delhi.
2. The Controller General of Defence
Accounts, West Block-V,
R.K. Puram, New Delhi.
3. The Controller of Defence Accounts
(Army) Meerut Cantt.

Respondents.

(By Advocate Shri Gajendra Giri)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant is aggrieved by the letter issued by the respondents dated 2.6.1999 rejecting his claim for LTC amounting to Rs.19,800/- for the journey undertaken by him and his family from Meerut to Kanyakumari by a bus hired by the Manipur Tourism Corporation from private persons.

2. The brief relevant facts of the case are that the applicant claims that he along with his family members travelled in a Bus of the Manipur Tourism Department from Meerut to Kanyakumari from 4.4.1998 to 18.4.1998. Prior to that, admittedly, the Government of India through Ministry of

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Personnel, Public Grievances and Pensions (DOP&T) issued an O.M. dated 9.2.1998, in which it has been, inter alia, stated that in future journeys on LTC by chartered buses on tour conducted by ITDC/State Tourism Development Corporation or local bodies, will not be entertained for the purpose of reimbursement of LTC claims. The main ground taken by Shri V.P.S. Tyagi, learned counsel, is that the DOP&T O.M. dated 9.2.1998 had not been received or circulated ^{by 18.} ~~with~~ the respondents at Meerut, where the applicant was working till 27.5.1998 (Annexure R-1). He has, therefore, contended that till the information as contained in the aforesaid O.M. is brought to the notice of the applicant, the respondents could not have rejected his LTC claim merely on the ground that he and his family had travelled to Kanyakumari and back by a chartered Bus of the Manipur Tourism Department.

3. The respondents in their reply have submitted that the applicant's statements are not correct. According to them, his claim for LTC is not permissible as he has stated that he had travelled by a bus hired by the Manipur Tourism which is in violation of the DOP&T O.M. dated 9.2.1998. Shri Gajendra Giri, learned counsel, has submitted that since a number of similar claims have arisen in other Departments, a further query had been made to the DOP&T, which has been clarified by Respondent 2 in its letter dated 23.12.1998. According to him, the Controller of Defence Accounts, Respondent 3 had not found the applicant's case fit to be placed before the DOP&T for their consideration in terms of Paragraph 2 of the letter dated 23.12.1998. His contention is that as, admittedly, the applicant and his family had performed the journey from Meerut to Kanyakumari by a

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Chartered bus of the Manipur Tourism Department after O.M. dated 9.2.1998 was issued, the claim for LTC has been correctly rejected by the impugned order dated 2.6.1999.

4. I have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

5. The respondents have rejected the LTC claim of the applicant for the journey stated to have been performed by him from Meerut to Kanyakumari and back between 4.4.1998 and 18.4.1998, on the ground that he had used a Manipur Tourism Corporation vehicle which was not permitted under the DOP&T O.M. dated 9.2.1998. However, the respondents ^{is} did not also appear to have considered the applicant's case in terms of the clarifications issued by the DOP&T under Paragraph 2 of the letter dated 23.12.1998. While the stand of the respondents that the DOP&T O.M. dated 9.2.1998 is fully applicable to the journey performed by the applicant after 4.4.1998 is correct, at the same time it is also relevant to note that the DOP&T has itself agreed to consider the cases of affected persons separately on merits, on case to case basis where the Controlling Officer is fully satisfied about the genuineness of the claim. This has obviously not been done by the respondents who have admittedly rejected the applicant's claim merely based on coming into effect of the DOP&T O.M. dated 9.2.1998.

6. In the facts and circumstances of the case, the O.A. is disposed of with a direction to Respondent 3 to reconsider the applicant's claim for LTC for the aforesaid period in the proforma mentioned in the letter dated 23.12.1998 and have the case forwarded to the Department of Personnel and Training for their decision. It is, however,

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agreed by the learned counsel for the applicant that, if such a consideration of the case is done by the DOP&T in accordance with the extant rules and instructions, that would be final and binding on the applicant and he would be satisfied. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'