

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 487/99

New Delhi this the 16th day of February, 2000

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

Dr.V.S.Rao Chintala,
S/O Lt.Sh.V.Rao Chintala,
Director, Deptt.of Ocean Dev.
Union of India,
Block No.12,CGO Complex,
Lodhi Road, New Delhi.
R/O 615, Vigyan Sadan, R.K.Puram,
Sector-X, New Delhi-3

.. Applicant

(By Advocate Mrs.Avnish Ahlawat)

Versus

1.Union of India
through Sect.Deptt.of Ocean Dev.
Block No.12,CGO Complex,
Lodhi Road, New Delhi-3

.. Respondents

(By Advocate Sh.Gajender Giri)

O R D E R (ORAL)

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

The applicant is aggrieved by certain orders passed by the respondents dated 11.11.97, 9.1.98, 16.3.98, 8.5.98 and 19.5.98 which he has prayed may be quashed and set aside.

2. I have heard both the learned counsel and perused the pleadings.

3. The brief facts of the case which are not disputed are that the applicant was granted LTC advance of Rs.10,000/-on 23.4.1996 for meeting the expenses, in connection with his journey from Delhi to Rameshwaram and back for self and two of his family members. The applicant had submitted LTC claim in respect of the journey for which the advance had been given on 20.1.97. Mrs.Avnish Ahlawat, learned counsel for the applicant has submitted that the applicant, alongwith his family members, have in fact performed the journey from Delhi to Rameshwaram for which the advance had been granted by the respondents and had also completed the journey within the stipulated period. However, he was unable to provide

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the requisite details of the journey to the respondents because he had misplaced the tickets and other relevant documents. Later he found the tickets and submitted his claim against that journey adjusting the advance of Rs.10,000/- later on 20.1.1997. Learned counsel has submitted that although there has been some delay on the part of the applicant in submitting his claim for reimbursement of the expenditure incurred by him in the journey, there was no reason for the respondents to pass the impugned order dated 9.1.98 ordering him to return the amount of Rs.10,000/- which was given as advance for the journey. She has submitted that the respondents have strictly gone by Rule 15(vi) of the CCS(LTC) Rules, 1988, (hereinafter referred as 'Rules') without proper application of the power to relax which has been given in Rule 18 of the same Rules ^{and B} taking into account the facts and circumstances mentioned above. Learned counsel has, therefore, submitted that ^{the} later part ^B of ^B the ^B order calling upon the applicant to return this amount should be quashed and set aside. She has submitted that in fact, the entire amount of the claim due for the journey, which had been sanctioned earlier should be paid to the applicant. The applicant's contention is that since the respondents have waived the interest part of the advance amount, there is no reason why the delay in submission of the claim amount should not be accepted by the respondents.

4. I have seen the reply filed by the respondents and heard Shri Gajender Giri, learned counsel for the respondents. The respondents in their reply have submitted that ^B as the applicant has stated that the journey in question had been completed by him on 30.4.96, he should have submitted the bill for adjustment by 30.5.96 i.e. within one month, as laid down in Rule 15(vi) of the Rules. This has admittedly not been done. Learned counsel has therefore, submitted that the respondents had sent three letters to the applicant dated 3.9.96, 3.10.96 and 16.1.97 (Annexures I to III) and only after these reminders to the applicant, he had submitted his explanation together with the relevant documents on 20.1.97

i.e. after more than 7 months. Mrs Avnash Ahlawat, learned counsel has drawn my attention to the Note dated 16.1.97

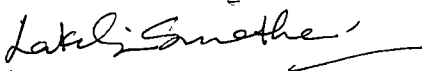
(Ann.III) in which it has been recorded that as discussed to submit his over phone, ¹² applicant was asked LTC claim by 20.1.97 positively. (12)

5. Learned counsel for the respondents has submitted that in the facts and circumstances of the case, the respondents had also taken up the matter with the concerned department i.e. DOP&T under Rule 18 of the Rules, for granting relaxation of the requirement of Rule 15(vi), but this has not been acceded to by the competent authority. Learned counsel has, therefore, submitted that the respondents have acted in accordance with the provisions of the Rules and have issued the order dated 9.1.98 which has been impugned in this OA. He has further submitted that the amount of Rs. 10,000/- which was granted to the applicant as LTC advance has since been recovered from the applicant's pay in accordance with the Rules.

6. I have given anxious thought to the submissions made by the learned counsel for the parties. From the facts, it is clear that the applicant had not submitted his claim for reimbursement of the expenditure incurred by him and his family for the journey from Delhi to Rameshwaram for which he had been given an advance on 30.4.96, within one month from the completion of the return journey, as required under Rule 15(vi) of the Rules. The applicant had completed the journey on 30.4.96 and he ought to have on his own, submitted the necessary documents for reimbursement of the expenditure within one month i.e. upto 30.5.96. This has, however, not been done. I am not impressed by the submissions made by the learned counsel for the applicant that he was not in a position to do so because he had misplaced the documents. If that was so, he could have at least communicated the position to the respondents well in time, with an assurance that as and when he finds the necessary misplaced documents, he would submit his LTC claim to them of having performed ^{the} journey ^{on} a later date. Therefore, the conclusion of the competent authority in the Note dated 3.10.97 that as the applicant

had only submitted his claim on 20.1.97, that is late by about 8 months, and the reason for the delay is not sufficient ground under the rules to relax, cannot be faulted. It can also be stated that the discretionary power exercised by the competent authority, taking into account the facts of the case, is neither arbitrary nor unreasonable to justify any interference in the matter. It is further noticed that taking into account the facts and circumstances of the case, the respondents have themselves accepted the representation of the applicant for waiver of interest on the advance amount, amounting to Rs.2165/-. This also shows that the decision of the respondents in this case has been fair and cannot be termed as arbitrary or reasonable. I have also considered the other grounds taken by the learned counsel for the applicant but do not find merit in the same.

7. In the result for the reasons given above, there is no justification to interfere in the matter. OA fails and is dismissed. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member (J)

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