

Central Administrative Tribunal  
Principal Bench

O.A.No.580/98

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 05<sup>th</sup> day of February, 1999

Attri Dutt Sharma  
T. No.1311 (Industrial)  
Ex.Painter 510 Army Base Workshop  
Meerut Now r/o C/o Kishor Dutt Sharma  
Q.No.J-2/42B DDA Flats Near Tara Appartments  
Kalkaji, New Delhi - 110 019. .... Applicant  
(By Shri V.P.S.Tyagi, Advocate) Vs.

1. Union of India through  
Secretary  
Min. of Defence  
New Delhi.
2. Director General  
EME Branch  
Army HQS. DHQ PO New Delhi.
3. Commandant 510 Army Base Workshop  
Meerut Cantt.  
(By Shri V.S.R.Krishna, Advocate)

O R D E R

The applicant alleges that the reimbursement of his LTC claim for the Block year 1994-97 has been wrongly withheld and the advance obtained by him has been recovered with interest thereon. The applicant also submits that he has not been given some of his retiral benefits like gratuity, commuted value of pension, revised pension and leave encashment.

2. The respondents in their reply have stated that as the applicant had not preferred any final claim of LTC for the Block year 1994-97, the advance made to him had necessarily to be recovered. As regards his retiral benefits they have stated that all the payments have been made to the applicant except where due to late decision of the Government on the recommendations of the Fifth Pay Commission arrears are still being paid.

3. The learned counsel for the applicant has not pressed the claim of the applicant regarding the payment

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of retiral benefits. However, he vehemently contested the submission of the respondents that the LTC claim for 1994-97 Block year could not be considered as the same had not been preferred by the applicant. On this point the counsel also drew my attention to his MA for production of certain records by the respondents like Diary and Despatch Registers to establish whether a claim had been filed by the applicant or not. The respondents have however stated in reply to the MA that the records being old the same cannot be produced as being non-traceable.

4. Having considered the matter carefully, I find no merit in the claim of the applicant. The applicant claims to have performed the journey during the period 13.5.1995 to 28.5.1995. Recovery of the advance taken by him was also made vide cash receipt dated 27.1.1996. The applicant retired on superannuation on 31.1.1997. However the present application was filed on 10.3.1998, i.e., more than two years after the date of alleged performance of the journey and even recovery of the advance. If the LTC claim had been filed, the applicant would have been expected to resist the recovery and failing relief from the respondents, he could have then approached the Tribunal within a reasonable time. That he has awaited for so long approaching the Tribunal is in itself indicative of the fact that he has not pursued his LTC claim vigorously and in time.

5. In view of this position, finding no merit in the OA, the same is dismissed. No costs.

*R.K. Ahooja*  
(R.K. Ahooja)  
Member(A)

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