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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

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O.A. No.903 of 1995

Dated New Delhi, this 06th day of November, 1995.

Hon'ble Shri K. Muthukumar, Member(A)

Shri Tusar Kanti De

S/o Late Shri N. C. De,

5B, Type-IV, Multi-Storeyed Flats,

Minto Road Complex,

NEW DELHI-110 002.

... Applicant.

By Advocate: None (Applicant in person)

versus

Union of India, through

1. Secretary  
Ministry of Defence  
South Block  
NEW DELHI.

2. Joint Secretary (Trg) &  
Chief Administrative Officer  
Ministry of Defence  
C-II Hutments  
Dalhousie Road  
NEW DELHI-110 011.

3. Controller of Defence Accounts (HQ)  
Ministry of Defence  
'G' Block  
NEW DELHI.

... Respondents

By Advocate: (Through Departmental  
Representative (Legal)  
Shri M.S. Ramalingam

O R D E R  
(Oral)

Shri K. Muthukumar.M(A)

Shri P. K. De, the applicant in this case appears in person. The departmental representative, Shri M. S. Ramalingam is also present. Pleadings are complete in this case and the matter was therefore heard. The matter is simple and can be disposed of at the admission stage.

The applicant is aggrieved that the respondents have unilaterally effected the retrenchment of Rs.750/- from the pay and allowances towards the excess LTC claim admittedly, in November 1993. The applicant had availed of LTC from Delhi to Goa via Bombay and had preferred LTC claim for

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Rs.8389/- against which he had drawn an advance of Rs.7800/-.

After the scrutiny of the LTC claim and after admitting the claim for Rs.8279/-, the respondents subsequently detected that the claim of Rs.750/- towards travel between Panaji to Bombay by bus operated by M/s Mandovi Tours & Travels, Panaji could not be allowed as this was not provided by the rule and therefore ordered recovery of the amount which was paid to him. The applicant argued that he has given representation to the authorities stating that he had travelled in a bus operated by a tour operator approved by the Directorate of Tourism which runs its buses from point to point at regular intervals. Subsequently the respondents have ascertained that this tour operator is not a government operator and therefore the mode of transport by a private tour operator is not approved and provided under rules. Under rule 12 (2) of the CCS (LTC) Rules, the reimbursement of the expenses is permissible if the government servant travels by vehicles operated by the Tourism Development Corporations and transport services run by government or local bodies. In view of this, respondents have found that the claim of the applicant was not within the provisions of rule and therefore accordingly ordered retrenchment of the amount.

I have heard the applicant and also perused the pleadings of the respondents. The respondents have, no doubt, initially admitted the claim of the applicant and they found that the claim for the journey between Panaji and Bombay by a private tour operator is not within the provision of the rule. They had to retrench the amount and there is no malafide and arbitrary action in this matter. The applicant's contention that the respondents will have to give him a notice, is not tenable in such cases. The applicant contends that the department should have invoked

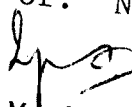
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the power of relaxation and allowed his claim particularly when he had represented to them that during the rush season he could not get any seat by the government operated bus service or vehicles operated by Tourism Development Corporations or other State Corporations. The fact that railway facility is also available between Panaji and Bombay is known to him but for which he has to travel to Vasco Da Gama which is about 30 Kms from Panaji. He had no other choice except taking a private operator's bus. The fact is that the claim was inadvertently admitted by the respondents without verification and the mistake was later on detected. <sup>does not strengthen the applicant's case.</sup> It is stated that the rule provides for relaxation of the conditions of claim, under rule 18 of the CCS (LTC) Rules. In view of this, it would be appropriate if the applicant is directed to make a representation to the respondents explaining the full circumstances under which he was compelled to travel by private operated buses and seeking admission of the claim by the respondents by their powers of relaxation under the rules. On receipt of such representation, respondents may consider sympathetically the case of the applicant as it is admitted by the respondents that the LTC journey performed by the officer is genuine and there is no doubt regarding this.

In the light of the above, the application is disposed of with the direction that the applicant should submit within three months from the receipt of the copy of this order, a representation to the respondents explaining the circumstances under which he was compelled to perform the journey by a privately operated bus and seeking the respondents' permission to allow his claim under the power of the respondents to relax <sup>under</sup> rule 18 of the CCS (LTC) Rules, 1988 and the respondents may also consider sympathetically the case of the applicant. With this direction

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the application is finally disposed of. No costs.

  
(K. Muthukumar)  
Member (A)

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