

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2356 of 1997

New Delhi, this the 27th day of February, 1998.

Hon'ble Mr. N. Sahu, Member(A)

Naresh Chander Goel
S/o Shri J.D. Goel
R/o B-28, Sawan Park
Ashok Vihar Phase III
New Delhi

...Applicant

(By Advocate : Sh.H.C. Sharma)

Versus

Union of India : through

The Secretary
Department of Fertilizer,
Shastri Bhawan
New Delhi

...Respondents

(By Advocate : Sh. K.C. Dewan)

ORDER

By Sh. N. Sahu, Member(A) -

The applicant prays for a direction for payment of the full amount of LTC at the rate of Rs.1470/- per member. The applicant travelled from Delhi to Bombay by air under the LTC Scheme announced by Air India. The package consisted of two amounts: Rs.1470/- equivalent to IInd AC Rajdhani fare plus Rs.524/- which is an additional fare. The applicant bore the later amount and claimed reimbursement of Rs.1470/- per member. This was restricted to Rs.1239/- equivalent to IInd Class AC fare by ordinary train. This restriction is admitted by in accordance with the DOP&T's OM No.31011/1/95-Estt(A) dated 28.02.1995. The applicant states that employees drawing basic salary of Rs.2800/- and above are

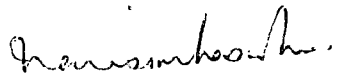
entitled to the highest class. The respondent has restricted the claim following the instructions of the Deptt. of Personnel & Training cited above. The applicant states that the respondent made an offer open from 15.04.1996 to 15.07.1996 to Central and State Government employees which was accepted. This offer conveys a specially rebated one-way airfare for travel on select domestic routes and expressly relates this to Leave Travel Concession. It further announces that the offered concessional fares are approximately same as IInd Class Air-Conditioned rail fares. It stipulates two conditions: (i) for "ticketing", the employees must produce the appropriate eligibility certificate and; (ii) this concession can be availed of only by those who are eligible to avail under LTC Rules. The applicant has also enclosed a copy of the letter dated 22.04.1996 officially addressed to the Station Manager, Air-India certifying that the applicant and his family of three members are entitled to avail LTC concession.

2. I have considered the submissions. The applicant has no doubt fulfilled the conditions of offer. The concession was offered by Air-India. The applicant has given prior intimation of utilising that offer. His application was officially sponsored. If there is an offer stating that the fare is roughly equivalent to IInd Class AC fare and the concession can be availed by a Central Government servant as a facility, the question that arises is: whether this offer by Air-India can bind the Govt.? Air-India is a



separate commercial corporation, though it is wholly owned by Govt? Like any other commercial organisation, it can make any offer as an incentive to attract more business and make air travel more popular. This offer cannot be read as modifying the LTC rules which are framed under Article 309. Any modification of the rules requires the approval of the President. This cannot be distinguished from all other commercial offers/discounts to attract customers. I have not been shown any notification issued by Govt. which has blessed this offer as a further relaxation of LTC Rules and till such a thing happens, this offer cannot superimpose on the general LTC Rules to carve out an exception. There is no doubt an offer and acceptance of that offer, but that strictly restricted to the particular travel and is only enforceable against Air-India. LTC rules are concessional rules granted to the employees and in order to avail the concession, the conditions must be complied with. As Air India's offer is only a commercial offer and does not ex facie indicate any legislative sanction/Govt. approval/Presidential notification, the LTC Rules must prevail and admittedly the restriction accords with the rules, the impugned order (Annexure A-1) does not call for judicial interference.

3. OA is dismissed. No costs.


(N. Sahu) 27.2.18
Member(A)

/Kant/