

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 2892/97

New Delhi this the 20th day of March 1998

Hon'ble Shri S.R. Adige, Vice-Chairman (A)

Shri A.P. Chopra,
C-II/927, Moti Bagh,
New Delhi.

.....Applicant
(Applicant in person)

Versus

Union of India, through

1. Secretary,
Railway Board,
Ministry of Railways,
New Delhi.
2. Secretary to the Govt. of India,
Ministry of Personnel, Public Grievances
& Pension (Dept. of Personnel & Training)
New Delhi.
3. The Chairman,
Railway Claims Tribunal
2, Rajpur Road, Delhi-110054.

(By Advocate: Shri Madhav Panikar)Respondents

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant prays for a direction to respondents to permit him to avail of L.T.C. from New Delhi to Port Blair and back for himself and his family members even after completing his tenure in R.C.T. or to grant him the monetary equivalent sum for the same.

2. I have heard the applicant who argued his case in person and Shri Madhav Panikar, counsel for the respondents.

3. From Res[pmdemts" reply is clear that the L.T.C. facility claimed by applicant during his tenure in R.C.T. has been denied to him on two grounds, firstly *according to them* because the L.T.C. facility is available only to those officers who have putting the minimum of four years of service in R.C.T. and secondly, because persons enjoying the facility of post-retirement complimentary passes are according to respondents not permitted to avail of L.T.C.

4. Admittedly, applicant who was a railway servant and took voluntary retirement to join RCT as Member (Tech.) is entitled to post retirement complementary passes issued by the railways. However, he has asserted that other Members (Tech.)/Vice Chairmen (Tech.) who were from railways like him and were issued post retirement complementary passes have also been allowed to avail of LTC facilities, and has furnished a list of such persons (Ann. 11). Shri Madhav Panikar, who was assisted by the departmental representative Shri V.K.Narang, Dy. Director, RCT did not deny this assertion made by the applicant.

5. As regards the alleged non-completion of the prescribed length of service is concerned applicant has invited my attention to the Tribunal's judgement dated 5.3.97 in O.A. 2342/94 C.R. Menon Vs. U.O.I. & oRS. wherein that applicant had fallen short of the prescribed period of four years by one month but the facility of L.T.C. was allowed to him and when

respondents considered filing an SLP in the Hon'ble Supreme Court against the aforesaid judgment: they were advised by Dept. of Personnel & Training vide Railway Ministry's letter dated 9.6.97 that the aforesaid judgment was correct and there was no need to file an SLP in the Hon'ble Supreme Court.

6. Applicant asserts that he fell short of the prescribed period of four years by only 22 days, which is even less than the period by which *JKN* C.R.Menon had fallen short. This assertion is also not denied by Shri Panikar.

7. In the result the O.A. succeeds and is allowed and respondents are directed to permit the applicant to avail of L.T.C. facility for himself and his family members even at this stage as per rules and instructions on the subject. No costs.

Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

cc