

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2342/94

New Delhi this the 5th day of ~~February~~ ^{March} 1997.

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

Shri C. Raman Menon
M-404, Dharma Apartment
2 Patparganj
Delhi - 110 092.

...Applicant.

(By advocate: Shri C. Hari Shankar)

Versus

1. The Chairman
Railway Claims Tribunal
2, Rajpur Road
Delhi - 110 054.

2. The Secretary
Ministry of Railways
Rail Bhawan
New Delhi-110 001.

...Respondents.

(By advocate: Shri D.S. Mahendru)

ORDER

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

This application challenges the denial of LTC claim for the block year 1992-93. The applicant was re-employed in the Railway Claims Tribunal, Bombay on 8.11.89 and retired from the post of Vice Chairman on 8.10.93. He had last availed of the leave travel concession to his home-town for block year 1990-91 in March 1992 by a sanction order dated 15.5.92 which was within the grace time under Section 7 (iii). He requested for a sanction for availing LTC during 1992-93. This was refused by the Chairman by his letter dated 23.8.93.

2. Under Rule 2 of the LTC Rule 1988, it is provided that in respect of persons who are re-employed after their retirement, LTC shall be admissible on completion of one year's continuous service under the Central Government. The proviso further states that it should be certified by the competent authority that the employee is likely to continue to serve for a period of 2 years in the case of LTC for home-town with which we are concerned now. Rule 4 (2) of

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the CCA LTC Rules 1988 makes a provision for specific categories of officials who are appointed on contract basis or re-employed after their retirement. Even here, the above two conditions have to be satisfied. The respondents state that the applicant joined the Tribunal on 8.11.89 and completed 2 years on 7.11.91. That is how he was allowed to avail LTC to visit Ernakulam, his home-town in 1992. He was not completing the requisite period of two years w.e.f. 8.11.91. Retiring on 8.10.93, he was falling short of near about one month and, therefore, the respondents felt that the applicant was not entitled to avail LTC for visiting his home-town for the second time during his tenure in the Tribunal.

3. Learned counsel for the applicant states that the rejection was wrong and was based on an improper appreciation of the rules. There is no need for a fresh certificate of service required after every two year block. The certification was initially required only to ascertain that the persons on re-employment do not misuse the benefits of LTC. The controversy is whether the scheme should be allowed on the basis of calculation ^{or} by way of completed years of service rendered on the basis of the block calendar year period. The applicant states that he can avail LTC in the block year form. Completion of two years between one journey and the next journey cannot be a criterion.

4. Rules 2, 7 & 8 are important for our purpose. The first condition is that the claimant for LTC shall complete one year of continuous service under the Central Government. It should be certified by the appropriate authority that the employee is likely to continue to serve under the Central Government for a period of at least two years for LTC to home-town. Rule 7 (1) states that with regard to regular government servants and persons employed on contract, one year's continuous service on the date of journey is only a pre-condition. Rule 8 states that the LTC to home town

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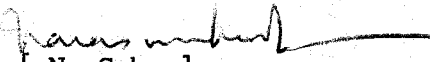
shall be admissible once in a block of two calendar years. The concept of a block has been reinforced by Rule 9 which states that the government servant and the members of his family availing LTC may travel in different groups at different times during the block of 2 years or 4 years as the case may be. It also states that the concession will be counted against the block of two years within which outward journey commenced even if the return journey was performed after expiry of the block. The applicant joined on 8.11.89 and completed one year of service on 7.11.90. The first condition is fulfilled on that date, reckoning the start from the ^{8.11.89} ^{two year period} date the first is completed on 7.11.91. If the applicant had travelled and completed his journey after 8.11.90 for the block 1991, he satisfies the condition for the first block 1991. If the applicant had applied, let us say, on 8.11.91, for the second block, the Chairman in letter and spirit ^{could} have certified that the applicant had another two years of continuous service. The applicant had served for four years. The Chairman could factually and truthfully state that he had served for 4 years and, therefore, he is entitled to two concessions. The fact is that the applicant availed the first concession a little later and, therefore, at the time of making his next application, the Chairman could not probably certify that he had ^{in conferring these concessions.} two years of service yet. ^{in conferring these concessions.} This is not the intention. Broadly, the idea is that the applicant is allowed to avail LTC in a block of two years. These are facilities granted to government servants provided certain conditions are satisfied. The condition in rule 2 (1) is satisfied when he completed one year of continuous service and then completed the second year of service and yet time-wise he had two more years to go. If it is block-wise, he could avail concession during the next block any time after 8.11.91. The rule itself does not say that the applicant should

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complete 720 days of the block commencing from 1st January 1992 and ending on 31.12.93. The rule nowhere says that if the applicant were to retire a few days before the close of the block, the facility will be denied to him. Further, a hyper-technical interpretation will defeat the essence of ^abenovent concession. Thus a certificate for two blocks of completed years of service can be given because the applicant worked for four years as measured by time. He satisfies the conditions of eligibility by working continuously for one year to be initially eligible. He was claiming LTC for two different blocks during which he served. I, therefore do not find any infirmity in his claim. The application is allowed.

There is no order as to costs.


[N. Sahu]
Member (A)

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