

8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO.1663/89

DATE OF DECISION : 03.08.1992

Shri Swaroop Singh

...Applicant

Vs.

Delhi Administration and Others

...Respondents

CORAM :

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Sh.B.B.Raval,
counsel

For the Respondents

...None

1. Whether Reporters of local papers may be allowed to see the Judgement? L

2. To be referred to the Reporter or not? L

JUDGEMENT (ORAL)

(Delivered by Hon'ble Shri J.P. Sharma, Member (J))

The applicant, employed as T.G.T. Government Boys Secondary School, Dakshinpuri, Delhi has the grievance against the Order No.450/Accts., Order No.2256 dt.4.7.1989 and Order dt. 28.7.1989 rejecting the LTC claim of the applicant and ordering recovery of LTC advance taken by the applicant. As a consequence of the above, the Principal of the said school by the order dt. 9.8.1989 ordered the recovery of Rs.7700 given to the applicant. The applicant has claimed the relief that the claim preferred by him be passed along with 24% interest along with cost.

The facts of this case are that the applicant availed LTC for the block year 1986-89 in the month of June, 1988.

...2... 6

During this period, the applicant alongwith his family members went to Trivandrum and returned to Delhi on 25.6.1988. It is stated that their trip was performed through Garhwal Mandal Vikas Nigam Ltd. and bus No.DEP 7300 was hired. They have done this in pursuance of the OM of the Department of Personnel and Training dt.16.4.1987 (Annexure A1). The applicant has also filed a certificate issued by the Joint Secretary in August, 1987 authorising Garhwal Mandal Vikas Nigam Ltd. to conduct/organise LTC/LFC and other tours for the State Government/Central Government employees (Annexure A2). The applicant was given an advance of Rs.7700 as per rules and on return, the applicant submitted the bills for the balance amount of Rs.2050. But the bill was passed for Rs.2032 by the Deputy Director, Education, district-South on 19.8.1988. However, Pay and Accounts Officer, R.K. Puram has raised certain objections and returned the said bill to Deputy Director, Education, District-South and as such the applicant has not been paid the amount. The applicant in view of the objections raised by the Pay and Accounts Officer, made a representation on 1.8.1989. It is stated in the representation tht alongwith the applicant, five other families of the employees travelled with him and two of them are of DTC department and three were teachers working under Delhi Administration. Instead of allowing the bill to be paid, the Principal of the institution issued the letter dt.9.8.1989 for refund of the amount of Rs.7700 on the basis of the letter of the Pay and Accounts Officer dt.28.7.1989.

10

The respondents contested the application and in a very cursory reply, it has been stated that since the claim could not be substantiated by the applicant completely, so it has not been allowed. None is present on behalf of the respondents to support their averments in the reply.

Normally, when the Head of the Department, i.e., Deputy Director of Education has scrutinised the bill and after scrutinising the same passed the same for payment, the Pay and Accounts Officer should have satisfied himself regarding the objections raised for the passing of the said bills and when those objections have been duly replied by the applicant in the representation dt.1.8.1989, then the reply should have been furnished to the applicant and if not furnished, then the respondents in their reply should have detailed the reasons due to which the evidence furnished by the applicant of having travelled to Trivandrum is not sufficient or justifiable. 1

In view of above facts and circumstances, since the claim has already been scrutinised and passed by the Deputy Director of Education and the queries raised by the Pay and Accounts Officer have been sufficiently explained by the applicant, there is no justification in holding that the bills submitted are not genuine or that the applicant has not travelled availing of the LTC advance from Delhi to Trivandrum. The application is, therefore, partly allowed to the extent that the order asking for the refund of the LTC

amount so far as it relates to the applicant dt.28.7.1989 and 9.8.1989 are quashed. The respondents are further directed to pay the LTC bills as passed by the Deputy Director of Education for the amount of Rs.2032 and further if the applicant could substantiate the actual amount of Rs.2050, then for that amount. The said balance amount of Rs.2032 or as arrived at on the basis of the evidence produced by the applicant, be paid to the applicant within a period of three months from the date of receipt of a copy of this judgement. The claim for interest by the applicant is disallowed as also the other reliefs claimed in the application. The application is disposed of exparte. In the circumstances, the parties shall bear their own costs.



(J.P. SHARMA)

MEMBER (J)

03.08.1992