

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/021/00118/2021**

HYDERABAD, this the 19<sup>th</sup> day of February, 2021

**Hon'ble Mr. Ashish Kalia, Judl. Member**  
**Hon'ble Mr. B.V. Sudhakar, Admn. Member**



Suman Kanti Roy,  
S/o Late A. K. Roy,  
Aged about 55 years,  
Occ : Controller of Finance & Accounts,  
CSIR - CCMB, Tarnaka, Uppal Road.  
Hyderabad.

...Applicant

(By Advocate : Mr. K. Sudhaker Reddy)

Vs.

Union of India,  
Rep by The Director General,  
Council of Scientific and Industrial Research,  
“Anusandhan Bhawan”, Rafi Marg,  
New Delhi – 110001.

....Respondents

(By Advocate : Mr. M. Srikanth, SC for CSIR)

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**ORAL ORDER**  
**(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)**

**Through Video Conferencing:**

2. The OA is filed aggrieved by the recovery ordered from the applicant in connection with his LTC claim.



3. Brief facts are that the applicant is working as the Controller of Finance in the respondents organisation. Earlier in 2002, when his wife got a job as Traffic Assistant in Indian Airlines, respondents took a joint declaration from the couple stating that reimbursement of LTC, TA on transfer etc for self and family will be claimed by the applicant. Accordingly applicant availed LTC for the block years 2006-07, 2008-09 & 2012 for self and family after approval of the competent authority and they were even admitted by the respective DDO's. On 31.1.2019 impugned order was issued to show cause as to why the LTC facility granted for the years 2006-07, 2008-09 & 2012 should not be withdrawn and recover the amount paid with penal interest. Aggrieved, the OA is filed.

4. The contentions of the applicant are that the approval for travel on LTC was granted by the competent authority and the bills were thereafter passed by the respective DDO's. The joint declaration was given as per the dictates of the respondents and accordingly the LTC facility was availed. The wife of the applicant has surrendered the LTC facility in Indian Airlines. Thus the facts were not suppressed by the applicant. Hence any recovery would be arbitrary and illegal.

5. Heard both the counsel and perused the pleadings on record.



6. I. The dispute is about availing LTC for the block years 2006-07, 2008-09 and 2012 as per the approval of the competent authority and after the bills were passed issuing show cause notice to withdraw the LTC facility for the said years and consequent recovery of the amount paid. The applicant has given a reply to the respondents on 22.2.2019 emphasizing the fact that he has availed the LTC with the specific approval of the competent authority and that he has not suppressed any facts. Moreover, his travel is in accordance with the joint declaration given in 2002 as required by the respondents that the applicant would only claim the LTC for self and family, since his wife is working for Indian Airlines. The basis for the issue of show cause notice by the respondents was that as per DOPT letter dated 20.10.1997, employees and spouses working for Indian Airlines are eligible for free passes and hence are ineligible for LTC benefits. Besides, applicant availed LTC for the block 2010 -2013 and on finding it to be not in order the amount was returned by the applicant vide cheque No.123436 dated 4.9.2012. However, applicant has explained that his wife working for Indian Airlines and has surrendered the LTC facility.

II. After hearing the arguments made by both the counsels at length, we are of the view that the applicant can make an appeal to the competent authority by stating the rules and law favouring his case within a period of 30 days from the date of receipt of this letter. The competent authority, on receiving the same, shall dispose it of in accordance with

extent rules and law, within 8 weeks of date of receipt by issuing a speaking and reasoned order.

III. With the above direction the OA is disposed of, with no order

as to costs.



**(B.V.SUDHAKAR)**  
**ADMINISTRATIVE MEMBER**

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

*evr*