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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

Regn. No. OA-813/85.

Decided on 9-6-89

K.L. Gulati

.....Applicant.

Versus

Ministry of Defence & Others

.....Respondents.

For the Applicant ... Applicant in person.

For the Respondents ... Mrs. Raj Kumari Chopra,
Advocate.

CORAM: HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN.

HON'BLE MR. M.M. MATHUR, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgement? *yes*
2. To be referred to the Reporter or not? *yes*

(Judgement of the Bench delivered by Hon'ble
Mr. M.M. Mathur, Administrative Member)

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JUDGEMENT:

In this application the applicant has prayed for the refund of two L.T.C. advances of Rs. 2295/- and Rs. 2750/- drawn by him in 1978 and 1980 respectively against which he had already submitted adjustment bills.

2. According to the applicant, an L.T.C. advance of Rs. 2295/- was drawn by him in the year 1978 for visiting Kanyakumari, that he submitted the adjustment bill in respect of this advance in August, 1979, that the bill was, however, returned to him by the Audit Authorities in August, 1979 with some objections to which he duly replied and that, an amount of Rs. 600/- was recovered from his pay bill for 7/79 towards adjustment

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of this L.T.C. advance (vide voucher No. 1310, dated 15.7.79). The respondents have, however, averred in their written statement that his L.T.C. claim was returned by Audit in May, 1980 to which he did not furnish any reply. Subsequently he submitted a representation along with a supplementary bill to the Audit Authorities in May, 1982. In the meanwhile, the applicant was sanctioned a second L.T.C. advance of Rs. 2750/- in October, 1980. He has pleaded that he had duly submitted adjustment bill within the permissible period. According to the respondents, he failed to submit his final adjustment bills in respect of both the advances. The Audit Authorities issued orders to recover the amounts from his pay which were duly communicated to him. Accordingly, the amounts of both the outstanding advances were recovered from his pay bills relating to the period April, 1981 to September, 1981 paid to him on 1.7.1982. The respondents have also stated that the applicant had drawn a further L.T.C. advance of Rs. 3700/- on 9.8.1985 against which no adjustment bill has so far been submitted by him. In his rejoinder, the applicant has replied that the entire amount of Rs. 3700/- was refunded by him but the receipt was stolen from his office almirah.

3. The applicant has based his case on the letter dated 12.1.84 (Annexure A, pages 7-8 of the paper book) written by the Headquarters Western Command, Engineer Branch, Simla in which it has been stated that the adjustment claims in respect of two L.T.C. advances were submitted by the applicant in time and yet the recoveries were made from his pay bill. With regard to the first advance of Rs. 2295/- it has been stated that, "it is not

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understood how pay bill prepared on 24.5.1982 still remains to be audited and paid." As regards the second advance of Rs. 2750/-, it is stated that, "even if the claims were lost in G.E.'s office duplicate adjustment claims could have been got prepared from the individual and in case the individual was not in a position to procure duplicate copies of voucher/receipt, those should have been waived after satisfying all aspects vide A-1 179/54." In their reply the respondents have questioned the bonafides of the applicant in producing a copy of this letter which was not addressed to him. According to them, the name of the addressee on this letter has been deliberately omitted by the applicant. However, from the copies of the correspondence produced by the respondents, it is clear that this letter was addressed to the G.E., Delhi Cantt. who had also supplied a copy of the same to the applicant. In his reply to the aforesaid letter of Western Command Headquarters dated 14.1.84, the G.E., Delhi Cantt. in his letter dated 8.2.84 (Annexure R-6, page 39 of the paper book) addressed to C.E., RCP, New Delhi stated that the applicant never submitted his adjustment claim while he was serving with that Unit. The position was, however, finally clarified by the C.E., Delhi Zone in his letter dated 10.8.85 addressed to Headquarters Western Command, Chandimandir according to which the applicant had submitted the L.T.C. claim in adjustment of the advance of Rs. 2295/- which was sent to the DCDA, Sub Office, Delhi Cantt. on 22.8.79. The DCDA returned the claim on 29.8.79 raising certain observations. The L.T.C. was resubmitted by C.E., Red Fort to A.A.O., Delhi Cantt. on 2.5.1980 with replies to the

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observation but it was again received back with observation from A.A.O., Delhi Cantt. on 30.5.1980. Subsequently, the applicant was transferred from G.E., Red Fort to G.E. (East) Delhi Cantt. Accordingly, G.E., Red Fort sent ^{the} claim to G.E. (East) Delhi on 28.7.1980 for furnishing replies to the observations raised by DCDA. However, instead of giving any reply the claim was handed over to G.E. Red Fort personally by the applicant. In the meantime, he had been further posted to ADGES at Delhi Cantt. The claim was accordingly sent by C.E. Red Fort to G.E., ADGES, Delhi Cantt. on 25.5.1982 for furnishing the requisite reply/information by the applicant. It has been added that inspite of best efforts, the applicant did not take care to meet the audit requirements and submit the claims and as such the claims were processed further. Regarding the second advance of Rs. 2750/- for the block years 1978-81 drawn from ADGES, it has been stated that the applicant did not submit any adjustment claim. The whole position was summed up by the C.E., Delhi Zone by stating that the LTC claims were not processed further for want of not meeting the audit requirements by the applicant and also he did not submit the adjustment claim against the second advance of Rs. 2750/- which was duly recovered by the audit authorities from his pay bills.

4. We have carefully gone through the records of the case and have heard the arguments of the applicant and the learned counsel of the respondents. It is evident that an adjustment bill was submitted by the applicant in August, 1979 against the first advance of Rs. 2295/- drawn in November, 1978. This claim was returned by the Audit Authorities with some objections in August, 1979 and

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again in May, 1980. Apparently, these objections remained unreplied and the original claim appears to have been misplaced on account of the movement of the papers resulting from the transfer of the applicant from one office to another office. The applicant has claimed that an amount of Rs. 600/- was recovered from his pay bill in 7/79 towards the adjustment of these advances. The respondents have also not contested this fact in their pleadings. In the meanwhile, the applicant also drew a second advance of Rs. 2750/- in October, 1980. Under the L.T.C. rules a second advance cannot be sanctioned until and unless all previous advances have been finally adjusted. The applicant has stated that against the second advance he submitted a minus claim of Rs. 50/- but he has not been able to furnish any specific details in support thereof. Since both the advances remained unadjusted, these were recovered from his salary bill in the month of July, 1982. As regards the third advance of Rs. 3700/- drawn in August, 1985, the applicant has also not been able to show any evidence with regard to the refund of the advance.

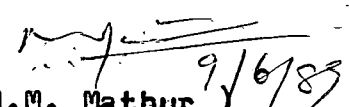
5. Considering all the facts and circumstances of the case we are fairly convinced that the adjustment bill in respect of the first L.T.C. advance of Rs. 2295/- had been duly submitted by the applicant and was under examination in consultation with the audit authorities. A recovery of Rs. 600/- against this advance was also made from his salary in 7/79. The respondents were not, therefore, justified in making lump-sum recovery of the

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whole advance from the pay bills of the applicant again in July, 1982. Accordingly, we direct that the excess recovery of Rs. 2295/- should be refunded to the applicant and his claim should be duly finalised in accordance with the L.T.C. rules within a period of one month from the date of communication of a copy of this order.

6. With regard to the second advance of Rs. 2750/- drawn in October, 1980, the applicant has not been able to furnish any details of adjustment bill of minus Rs. 50/- claimed to be submitted by him. Since under the rules an adjustment bill is required to be submitted within one month of the completion of the return journey, the action of the respondents in recovering the amount of advance from his pay bill in 7/82 was in accordance with the rules and cannot be held as irregular. On the same grounds the third advance of Rs. 3700/- also stands recoverable from the applicant as he has not produced any details of the journeys performed etc. However, we direct that the applicant should be given another opportunity to submit his detailed claims in respect of these advances within a period of one month from the date of communication of a copy of this order and the same should be entertained by the respondents and settled in accordance with the Rules as expeditiously as possible but in no event later than two months from the date of receipt of the claims from the applicant.

7. The parties will bear their own costs.


(M.M. Mathur)
Administrative Member


(P.K. Kartha)
Vice Chairman