

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

C.C.P. No. 164/89

O.A. No. 813/86

~~P.A. No.~~

199

DATE OF DECISION 1.6.1990.

Shri K.L. Gulati

Petitioner

In person

Advocate for the Petitioner(s)

Versus

Shri A.V. Gopalakrishnan &

Respondent

Another

Smt. Raj Kumari Chopra

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, 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? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

ORDER

(by Hon'ble Shri P.K. Kartha, Vice-Chairman)

The petitioner is the original applicant in OA-813/86 which was disposed of by our judgement dated 9.6.1989. In OA-813/86, he had 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. The Tribunal held that the respondents were not justified in making lump sum recovery of the whole advance of Rs.2295/- from the pay bills of the petitioner in July, 1982 and directed that the excess recovery of Rs.2295/- should be refunded to him 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 our

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judgement. As regards the second advance of Rs.2750/-, it was observed that he had not been able to furnish any details of adjustment bill of minus Rs.50/- claimed to have been 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, it was held that the action of the respondents in recovering the amount of advance from his pay bill was in accordance with the rules and cannot be held as irregular. On the same ground, the third advance of Rs.3700/- also stands recoverable from him as he has not produced any details of the journeys performed, etc.

3. In the present petition, the petitioner has alleged that the respondents have not refunded to him the sum of Rs.2295/- and consequently, they have intentionally and wilfully disobeyed the judgement of the Tribunal dated 9.6.1989. He has further stated that in compliance with the judgement dated 9.6.1989, he had submitted a detailed claim of minus Rs.50/- against the advance of Rs.2750/-, and that he has not been paid the amount due to him. As regards the advance of Rs.3750/-, he had refunded the same.

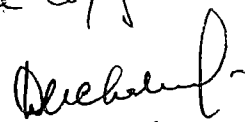
4. The respondents have stated in their reply affidavit that as per the judgement dated 9.6.1989, the third advance of Rs.3700/- stands recoverable from the petitioner and that he has not submitted any claim to the department or refunded the said amount. Thus, according to the judgement, a sum of Rs.2895/- (Rs.2295 plus Rs.600 recovered from his pay bills) is to be refunded to him by the respondents and he has to refund a sum of Rs.3750/- to the respondents. Accordingly, a balance of Rs.805/- still stands recoverable from the petitioner.

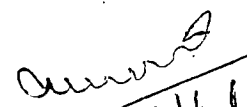
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5. We have gone through the records of the case carefully and have heard the applicant in person and the learned counsel for the respondents. The petitioner has not substantiated his contention that he had submitted the claim towards the second advance of Rs.2295/-, or that he has refunded the third advance of Rs.3750/-. In the facts and circumstances of the case, we do not see any prima facie case to proceed further with the petition. CCP-164/89 is accordingly dismissed and the notice of contempt discharged. The parties will bear their respective costs.

Issue copy to both parties immediately


(D.K. Chakravorty)
Administrative Member
1/6/90


(P.K. Kartha)
Vice-Chairman(Judl.)
1/6/90