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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.
* * * *

Date of Decision: 12.08.92.

OA 806/90

N.S. NUKHERJEE

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant

... SHRI UMESH MISHRA.

For the Respondents

... SHRI J.C. MADAN,
proxy counsel for
SHRI P.P. KHURANA.

1. Whether Reporters of local papers may be ☒ allowed to see the Judgement ?
2. To be referred to the Reporters or not ? ☒

JUDGEMENT (ORAL)
(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J)).

The applicant is working as Compositor in Government of India Press, Misnto Road, New Delhi, and has a grievance that the benefit of LTC is not being given to him w.e.f 1988 as a result of which he is running loss financially. The applicant belongs to Calcutta in West Bengal. According to the Service Rules, he is entitled to free passes to his hometown every two years and another facility after four years for LTC in any part of India. The relief claimed by the applicant in this application is that the respondents be

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directed to grant LTC to the applicant for which he became entitled to in the year 1989. The applicant has also moved MP 1441/92 in which prayer has been made that the respondents be directed to give LTC for the present block year and also grant any other relief which are fit and proper. In the circumstances of the case, the notice of this MP was also issued.

The respondents contested the application and filed the counter in which they have denied various averments made in the application and also stated that in that CCS (LTC) Rules, 1988 Rule 16(I) provides in the case of breach of Leave Travel Concession Rule as follows:-

"If a decision is taken by the Disciplinary Authority to intimate disciplinary proceedings against a Govt. servant on the charge of preferring a fraudulent claim of LTC such Govt. servant shall not be allowed the LTC till the finalisation of such disciplinary proceedings."

Thus, in view of the above instructions, the plea to consider the subsequent claims of the applicant are un-necessary and the contention raised above is baseless. Though the reply to the MP has been filed in the Registry today but that is not on the record. However, the prayer in the MP also covers the prayer in the OA. There are certain allegations against the applicant for grant of the LTC facility for the block year 1986-87 and for which certain departmental proceedings have been initiated and pending against him. The learned counsel for the applicant rightly pointed

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out that the proceedings cannot be allowed to continue for years to come and in view of the above referred rule 16(I) the applicant is being put to un-necessary loss in future grant of LTC for which he earns in due course of time.

In view of this fact, the learned counsel for the respondents also gives an assurance that the inquiry shall be disposed of within a period of six months. The applicant will also co-operate in the said proceedings even otherwise also the respondents can proceed with the inquiry and come to a conclusion within the above period.

The application is disposed of in the manner that the respondents shall resume the passes of the applicant as per extent rules after six months irrespective of the fact whether the inquiry instituted or pending against the applicant is complete or not. ²⁴ If the case inquiry is complete then the result of the inquiry will govern the award of future LTC to the applicant. If the applicant ^{is} still aggrieved for non grant of LTC he can assail the same subject to the law of limitation.

In the circumstances, parties to bear their own costs.

J.P. Sharma

(J.P. SHARMA)
MEMBER (J)
12.03.92