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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.509/2004

New Delhi this the 8th day of November,2004

Hon'ble Mr. S.K. Malhotra, Member (A)

Durga Dutt Saini,
Section Officer, Group "C",
Area Accounts Office (Pay), Western Command,
New Delhi-18

.....Applicant
(By Advocate: Shri E.J.Verghese)

Versus

1. Union of India through
The Secretary,
Ministry of Defence, South Block,
New Delhi – 110 011.
2. The CGDA
West Block-V, R.K. Puram
New Delhi – 110 066.
3. The PCDA, Western Command
Chandigarh
4. The CDA,
506, Anna Salai, Teynampet
Chennai – 600 018.
5. The DCDA, Area Accounts Office (Pay)
Delhi Cantt. – 110 010.

Respondents.

(By Advocate Shri George Paracken)

O R D E R (ORAL)

This OA has been filed by the applicant against the two orders passed by the respondents dated 22.9.2003 (Annexure-A) and 25.11.2003 for the recovery of Emergency Passage Concession (EPC) advance and TA/DA recovery for attending three days' course on temporary duty. He has also made a request for amending the LPC by ^{not} deducting the interest charged on House Building Advance.

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2. At the outset, the learned counsel for the respondents made a preliminary objection stating that since this OA is seeking multiple reliefs, it is not maintainable. The learned counsel for the applicant conceded that he will like to restrict his claim in this OA to the matter relating to recovery of EPC advance only. In respect of other reliefs, the applicant may file separate OA. This order is, therefore, restricted to the claim of the applicant to the EPC advance only.

3. The facts of the case, in brief, are that the applicant was posted as AAO(MES), Port Blair on 28.10.2000 and while serving in that office, he took an advance of Rs.10,000/- for EPC for which he was sanctioned earned leave for the period 22.8.2002 to 19.9.2002. In the mean time on 10.8.2002, he was asked to join training at Bangalore for a period of three days from 19.8.2002 to 21.8.2002. It has been stated that since no ship was available from Port Blair to Chennai and the only ship available for Chennai could reach on 21.8.2002, he had no other option but to travel by Air to Chennai to attend the training course at Bangalore starting from 19.8.2002. After attending the course, he returned to Chennai and reported to the Transit Camp at LAO Fort Chennai and after that he resumed his EPC journey from Chennai to Delhi from 22.8.2002. After coming back from Port Blair, he submitted his claim for TA/DA which was passed in normal course. However, subsequently a recovery note dated 13.11.2002 was received by him for effecting recovery which was mainly for recovery of EPC allowed to him, on the ground that there was a ban on EPC/LTC. According to the applicant, the ban on Home Town/EPC is not applicable to the employees posted in Andaman & Nicobar Islands. He had applied for advance of EPC which was allowed by the respondents. No objection was raised at that time. Now they cannot go back and say that this advance is not admissible because of the ban.

4. The respondents have filed a counter reply in which they have conceded that an EPC advance of Rs.20,000/- was allowed to the applicant during the month of July,2002 out of which the applicant refunded Rs.10,000/- later and had thus taken Rs.10,000/- only as advance for EPC/LTC. According to them, on account of ban imposed by DOP&T vide their OM dated 2.3.2001 for a period of two years on LTC, the EPC/LTC was also not permissible. That is the

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reason that this advance was given to the applicant after taking an undertaking from him that if EPC is included in the said ban, the amount of advance paid would be recovered.

5. I have heard the learned counsel for both the parties and have also gone through the pleadings.

6. My attention has been drawn to the instructions issued by the Govt. from time to time including the incentives given by the Govt. for serving in the remote areas (Annexure-R). These incentives include LTC to Home Town and also the EPC. The relevant portion of the instructions relating to EPC are as under:

"In addition, Central Government employees and their families posted in these territories shall be entitled to avail of the Leave Travel Concession, in emergencies, on two additional occasions during their entire service career. This shall be termed as "Emergency Passage Concession" and is intended to enable the Central Government employees and / or their families [spouse and two dependent children] to travel either to the home town or the station of posting in an emergency. This shall be over and above the normal entitlements of the employees in terms of the O.M. dated December 14, 1983, and the two additional passages under the Emergency Passage Concession shall be availed of by the entitled mode and class of travel as admissible under the normal Leave Travel Concession Rules."

7. From the above instructions, it is clear that the EPC was admissible to the applicant when he was posted in Port Blair. The only question which arises is whether LTC(Home Town) including EPC was admissible to him due to the ban imposed by DOP&T vide OM dated 2.3.2001. By this order, the Government had suspended facility of home town and All India LTC in respect of its employees for a period of two years w.e.f. 2.3.2001. However, it has been observed that vide a subsequent OM dated 12.10.2001(Page 43 of the Paper Book), the Government had decided that the Central Government employees posted at Andaman & Nicobar and Lakshadweep Islands would be kept out of the purview of DOP&T's OM 2.3.2001. However, operation of suspension of All India LTC would continue to apply to them. It is thus clear that from 12.10.2001 onwards, LTC for home town was admissible to Central Govt. employees posted at Andaman & Nicobar Islands. The applicant had availed of the EPC in August/September 2002 i.e. about ten months after the issuance of OM dated 12.10.2001. The EPC/LTC is included as a part of Home Town LTC as would be evident from the instructions



issued by the Government reproduced above (Annexure R). Even otherwise it is not justified to put a ban to avail of EPC/LTC, which is allowed only in the case of emergency in respect of employees working in remote area like Port Blair. In view of the decision taken by the Government vide DOPT's OM dated 12.10.2001, it will not be correct for the respondents to take a stand that there was a ban on EPC during the period August 2002. The applicant is, therefore, entitled to this concession to visit his home town. However, for this purpose, he is only entitled to the mode and class of travel as admissible under the normal Leave Travel Concession Rules as mentioned in the instructions. In other words he is not allowed to travel by Air to avail the EPC/LTC, if air travel for normal LTC is not admissible to him.

8. In view of the above, the OA in so far as it relates to the relief relating to EPC / LTC is concerned, is allowed to the extent that the applicant is entitled to avail of EPC for which he is entitled to claim TA, limited to the mode and class of travel as admissible under normal LTC Rules. The respondents are directed to finalize his claim accordingly in regard to EPC / LTC within two months from the date, a copy of the order is received by them. In respect of other claims, the applicant will be at liberty to file a separate OA, if so advised, under the rules.

9. No order as to costs.

S.K. Malhotra
 (S.K. Malhotra)
 Member (A)

New Delhi
 8.11.2004
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