

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH.

O.A. 2439 of 1992

New Delhi this the 1st day of December, 1993

Mr. Justice S.K. Dhaon, Vice-Chairman

Shri R.N. Goel,
R/o 35, Bhavishya Nidhi Enclave,
Panchsheel Park,
Malviya Nagar,
New Delhi-110017.

...Petitioner

By Advocate Shri V.S. R. Krishna

Versus

1. Union of India through
Central Provident Fund Commissioner,
9th Floor, Mayur Bhawan,
Connaught Circus,
New Delhi-110001.

2. Regional Provident Fund Commissioner,
7th Floor, Skylark Building,
60, Nehru Place,
New Delhi-110019.

...Respondents

None for the respondents

ORDER(ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

Refund of Leave Travel Concession (hereinafter referred to as ITC) advance in instalments of Rs.1,000/- a month is being challenged in this application.

2. A counter-affidavit has been filed on behalf of the respondents. No rejoinder-affidavit has been filed. Therefore, the averments made in the counter-affidavit have got to be accepted as correct.

3. In the counter-affidavit, the material averments are these. The petitioner, on 12.6.1991, gave an application for ITC advance of block year 1986-89 in respect of self and family members to visit Puri(Orissa). The ITC advance amounting to Rs.8,000/- was sanctioned vide letter dated 24.6.1991 with the direction to produce the relevant tickets before commencement of journey within 10 days from the date of drawal of advance. The advance was drawn on 2.7.1991 and the tickets were purchased on 22.8.1991 and 29.9.1991. The applicant by means of an application dated 13.8.1991 sought permission to change the station of visit from

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Puri to Dwarika Puri (Gujarat). He also applied for leave from 25.8.1991 to 29.08.1991 with 30.08.1991, 1.9.1991 and 2.9.1991 being closed holidays. He was advised to give information regarding his leave address on the last point to be touched in his journey. He did not produce the requisite tickets as earlier requested and also did not give any reply to the department's letter dated 22.08.1991 but proceeded to Dwarika Puri on 22.08.1991. He completed his back journey on 13.08.1991 without giving any information regarding such journey. He again requested on 27.09.1991 for granting casual leave for 30.09.1991, 01.10.1991, 03.10.1991 and 04.10.1991 to avail LTC with family to visit Dwarika (Gujarat). He and his family commenced journey on 29.09.91 and completed the back journey on 06.10.91 and the final bill submitted by him regarding the number of tickets, fare amount, class in which actually travelled etc. have not been given. The petitioner submitted his claim in respect to both the spells of journey on 17.01.1991 (after four months and 18 days in the first case and three months and eleven days in the second case).

4. O.M. No.310111/28/86-Estt. (A) dated 26.03.1987 (Order 67) deals with the subject: "LTC claim to be preferred within three months of the completion of the return journey." According to this O.M., it has been decided that in cases where no travel advance had been drawn, the period within which a Government servant should submit his claim on completion of the return journey should be reduced from one year to three months. Accordingly, the right of a Govt. servant for reimbursement of his Leave Travel Concession claim, where no advance was drawn by him, shall stand forfeited or be deemed to have been relinquished, if the claim is not preferred within 3 months from the date of completion of the return journey. In cases where advance has been drawn towards LTC, the final bill will have to be prepared within one month of the completion of the return journey. If that is not done, the authority which sanctioned the advance should

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enforce lump sum recovery of the advance forthwith and once such recovery is made, it should be taken as if no advance had been drawn and the claim allowed to be preferred within a period of three months failing which it shall stand forfeited. Reliance is placed by the respondents on the aforesaid O.M. It is emphasised on their behalf that, in any view of the matter, the petitioner having failed to submit his claim in respect of both the journeys within a period of 3 months, his LTC claim could not be considered in accordance with law. Admittedly, the petitioner had been given an advance of Rs.8,000/- and admittedly he failed to lay his claim within a period of 3 months from the date of completion of both the spells of journey. The respondents were, therefore, fully justified in commencing the recovery of the advance given to him. It cannot be said that the respondents have acted either illegally or irrationally in rejecting the claim of LTC laid by the petitioner.

5. The learned counsel for the petitioner has urged that the recovery at the rate of Rs.1,000/- per month from the salary of the petitioner is excessive, if not arbitrary. He has drawn my attention to a representation made by the petitioner on 4.8.1992 (Annexure A-2). In paragraph 2 of the said representation it is averred that after the deduction of Rs.1,000/- per month, the carry home pay of the petitioner is Rs.620/- only. In the counter-affidavit filed it is merely averred that no such representation has been received. No attempt has been made to indicate as to what is the actual amount which the petitioner will carry home after the deduction of Rs.1,000/- per month from his salary. I see no reason to disbelieve the version of the petitioner as contained in paragraph 2 of the representation that as a consequence of deduction in his salary, his carry home pay is Rs.620/-.

I think it would be equitable to direct the respondents to deduct a sum of Rs.500/- only

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per month from his salary till the amount of Rs.8,000/- given as an advance is recovered.

6. This petition succeeds in part. The claim of the petitioner towards LTC stands rejected. The respondents are directed not to recover a sum of Rs.1,000/- instead they shall deduct a sum of Rs.500/- per month.

7. There shall be no order as to costs.

(S.K. DHAON)
VICE CHAIRMAN(J)
01.12.1993

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