

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(12)

O.A. No. 3176 of 1992

T.S.L day of ~~November~~ December, 1993

SINGLE BENCH

Mr. B.K. Singh, Member (A)

1. Jai Parkash,
S/o Shri Babu Lal,
SSK - Token No. 7123872
2. Randhir Singh Dhool,
VMAFB - Token No. 4437
3. Prabhu Dayal,
S/o Shri Chunni Lal,
Blacksmith - Token No. 956.
4. Riaz Mohammed,
S/o Shri Mustaffa Hussain,
Turner - Token No. 3547
5. Harjeet Singh,
S/o Amar Singh,
VMAFY - Token No. 4435
6. Swaran Singh,
S/o Kesar Singh,
AFV/MCM - Token No. 3619
7. Darshan Singh,
S/o Mahinder Singh,
VMAFY - Token No. 3599
8. Rampat Dhara,
S/o Shri Ram Lal,
ARM - Token No. 3384
9. S.K. Chakrvorty,
S/o Late Shri S.N. Chakrvorty,
VMAFY - Token No. 3987
10. Bharat Singh,
S/o Late Shri R.N. Singh,
VMAFY - Token No. 4403
11. Surajmal Dhabwal,
S/o Shri Man Singh,
Elect. AFV - Token No. 4267
12. Roshan Lal Sai.
S/o Shri Rakha Ram,
VMAFY - Token No. 4362

13. R.D. Chahal,
S/o Shri Raj Mal
VMAFV - Token No.4274
14. R.K. Rana,
VMAFV - Token No.4303
15. Mahender Singh,
S/o Shri Narain Singh,
VMAFV - Token No.4384
16. Manohar Lal
S/o Shri Sardari Lal,
VMAFV - Token No.4067
17. K.N. Pant,
S/o Late Shri Narain Dutt,
VMAFV - Token No.4251.
18. Gopi Chand,
S/o Shri Sohan Lal,
INST - Token No. 2642.
19. Shyam Lal,
S/o Shri Tej Bhan,
Fitter - Token No.2608
20. Ram Chander,
S/o Late Shri Munni Lal,
VMAFV - Token No.3645
21. Bal Kishan,
S/o Late Shri Ganga Ram,
Turner - Token No. 3736
22. Roop Ram,
S/o Shri Bhori Lal,
VMAFV - Token No. 4295
23. Amar Singh,
MGM, Token No. 356

Jyoti Parkash,
S/o Late Shri Baij Nath,
AR.T - Token No. 2518

25. Ranjit Singh,
S/o Shri Bhikan Singh,
SCM - Token No. P - 3663

26. Ramesh Chand,
VMAFV - Token No.3701

27. Hari Kishan,
S/o Siri Chand,
Turner - Token No.2894.

28. Pritpal Singh,
S/o Shri Kuldeep Singh
SCM - Token No. 14690298

29. R.P. Sharma,
S/o Late Shri B.L. Sharma,
Elet ARY - Token No.3982

30. Mangal Singh,
S/o Shri Shiv Babu,
ARMT - Token No. 3777.

31. Prabhu Dayal,
EE Mech - Token No.4503.

32. Gurmeet Singh,
UDC - Token No. 7124650.

33. Mahesh Kumar,
S/o Late Shri Amar Nath,
MCM - Token No.3640

34. Karamjeet Singh,
S/o Shri Mela Singh,
VMAFV - Token No.3983.

35. Daya Nand,
S/o Shri Piaray Lal,
VMAFV - Token No. 4226.

36. Satbir Singh
S/o Shri Chander Singh,
VMAFV - Token No.4238



37. R.K. Sethi,
S/o Shri R.D. Sethi
Elect/AFV - Token No.4256.

38. Mohinder Singh,
S/o Shri Kashi Ram,
AMT - Token No.2753

39. Rajinder Kumar,
S/o Late Shri Dewan Chand,
SCM - Token No. P-3647.

40. Bhopal Singh,
S/o Shri P.N. Sharma,
Fitter - Token No.3064.

41. I.C. Sharma,
S/o Shri Ram . Rikh,
Tool Maker - Token No.3574.

42. A.A. Naqvi,
S/o Shri Manzoor Ahmed,
SCM - Token No. 14690281

43. Joginder Singh,
S/o Shri Bhoor Singh,
ARMT - Token No. 2780.

44. Ganga Ram,
S/o Shri Shardha Ram,
CM - Token No. P-3568

45. Mange Ram,
S/o Shri Suraj Bhan,
CM - Token No. 14691093.

46. Karan Singh,
S/o Shri Lekh Ram,
VMAFB - Token No. 4300.

47. M.K. Mishra,
S/o Shri Shyam Lal,
SCM - Token No. P-3665

48. Rai Singh,
VMAFB - Token No. 4304

49. Sarabjit Singh,
SCM - Token No. P-3661

50. Jaswant Rai,
VMAFV, Token No. 2366
51. Dharam Vir,
Carpenter, Token No. 2062
52. Hari Dass,
ARMT, Token No. 2666
53. Bhim Sain,
VMAFV, Token No. 3985
54. Ram Kanwar,
VMAFV, Token No. 4278
55. Mohan Lal,
VMAFV, Token No. 3642
56. Sultan Singh
VMAFV, Token No. 4247
57. Radha Kishan,
Elect. A/FB, Token No. 3537
58. Jai Narain Kaushik,
U.D.C.
59. G.S. Bedi,
U.D.C.

... Applicants

All Sl. No. 1 to 59 are
Employees of 505 Army Base Workshop,
Delhi Cantt., New Delhi.

By Advocate: Shri B.R. Saini

Versus

1. Union of India, through
The Secretary,
Ministry of Defence,
New Delhi.
2. Commandant,
505 Army Base Workshop,
Delhi Cantt.,
New Delhi.

... Respondents.

Advocate Present: None.



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ORDER

(by Hon'ble Mr. B.K. Singh, Member (A))

This O.A. No.3176/92 has been filed by Jai Prakash and 58 others against the order No. 50613/Fin./ LTC-3-2692 dated 7th September 1992. This is annexure A-1 of the paper book. The applicants are Class III and Class IV employees drawing pay between Rs.2000 and Rs.3000 and are working in 505 Army Base Workshop, Delhi Cantt., New Delhi. They applied for advance for the LTC Block period 1986-89 and received the same which is available once in a block period of 4 years to every civilian employee serving the Government. They received the amount in the month of June 1991 (block period 1986-89 got extended by another two years) for performing the journey to different places in India along with their family members. It is stated that they engaged Gujarat Tourism Corporation buses for journeys to Kanya Kumari, Trivandrum and back to Delhi touching places like Khajurjo, Vrindavan Gardens in Mysore etc. Each applicant submitted the proof of his journeys and certificates issued by the Gujarat Tourism Corporation. Copies of the certificates and other proofs collectively have been placed and marked as annexure A-2. The respondents started deductions of Rs.1500/- to Rs.2000/- from the monthly salary of the applicants from the month of August 1992 on the plea that the applicants never performed the journeys and that their bills and certificates were all bogus and fake.

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2. Heard the learned counsel, Shri B.R. Saini for the applicants. None was present from the side of the respondents. A notice had been issued to the respondents who filed their reply and contested this application and grant of reliefs prayed for. Their reply forms part of the paper book. I perused the record of the case also.

3. In the reliefs sought the applicants have prayed for quashing and setting aside the impugned order of recovery (annexure A-1) and to issue direction to the respondents to refund the amounts so deducted.

4. The claims of the LTC relate to the Block Period 1986-89, which was extended upto 1991 and the amounts were drawn as advance. This is sannexure R-1 enclosed with the counter. These bills submitted to the Accounts Officer were returned vide letter No. AAO/Pay/X/1002 dated 13.9.91 by Asstt. Controller of Defence Accounts. The bills, receipts and certifica were not passed by the Asstt. CDA who ordered an investgation into the case. This is annexure R-2 enclosed with the counter. An enquiry was ordered to be made from Gujarat Tourism Corporation and R.T.O. Delhi to ascertain the genuineness of the claims. Vide receipt dated 28.11.91 (annexure R-3) five sample cases were referred to C.B.I. vide Order No.21041-X-Defence dated 23rd April, 1992 (annexure R-4). A committee was constituted comprisin Lt. Col. A.K. Chaudhary, Maj. S.C. Kakkar (subsequently substituted by Maj. P.R. Deshmukh due to the retirement of Maj. Kakkar) and the Civillian Security Officer, Shri B.L. Sharma and after his retirement he was

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replaced by Shri B.L. Wanchoo.

5. While enquiry was on, the applicants moved the Principal Bench of CAT to prove their innocence. The Principal Bench granted ex-parte stay against the order of recovery of advance. The Inquiry Officer, Lt. Col. Chaudhary submitted his report vide his letter No. Misc./Inq./AKSC/93 dated 26th June 1993. Eighty-three cases of LTC were under cloud and these were looked into by the committee on the recommendation of the Asstt. CDA. Preliminary investigation was done by respondent No.2, i.e. Commandant, 505 Army Base Workshop and prima facie dubious claims were established. The respondent No.1 was assisted in his enquiry by the Asstt. CDA. Further to probe into the bills countersigned by Shri Y.K. Shastri, Accounts Officer, 505 Army Base Workshop, those were all submitted to the inquiry committee headed by Lt. Col. Chaudhary. The documents submitted by the claimants required under law were checked by the countersigning authority along with the document submitted in support of these claims to verify their genuineness. All these cases were brought under Cloud ~~Cloud~~ when the Asstt. Controller of Defence Accounts doubted the genuineness of the bills, receipts and certificates and on his recommendation the committee was constituted to make a thorough probe in the matter. It has been stated in the counter that the practice of submitting LTC claims in the similar manner existed from before and these were being



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passed in a routine manner without verifying their genuineness. There was a feeling that most of these bills are bogus.

6. All the claimants had taken 80% advance against the amounts claimed on the plea of purchasing tickets for the journey. None of the claimants purchased tickets within ten days from the date of receipt of advance and thus they violated the travel regulation Part 190(1960 edn.) and amendment No.153/7/87. As against seating capacity of 55 passengers 61 people were shown to have travelled in the same bus for 13 days covering a distance of about 3000 Kms. This means that 6 people all the time had to travel standing in the bus. It has also been stated in the counter that a number of claimants paid huge amounts of advance for purchase of tickets without any receipt or authority or without any knowledge about the person receiving the money from them as advance and this was paid one month before the date of actual transfer. One of the applicants, Gopi Chand paid Rs.15200/- to some unknown official of Gujarat Tourism Corporation raising serious doubts whether the amount was actually paid. One claimant during interrogation said that he stayed in Vivekanand Ashram in Kanya Kumari for 2-3 days. On an inquiry, it was revealed that there is some institution associated with Ramkrishna Mission where facilities of boarding and lodging are available. It has been



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stated in the counter affidavit that these fake bills were manufactured by a group of workers aided and abetted by ~~Shri~~ ^{Gov} Shri Mehta, Bali, Iyer & Gupta. It has also been stated that for a journey of 3000 Kms. no advance planning was done and this journey was also beyond the average financial capacity of any worker carrying a family of 4 to 5 members and drawing a salary of Rs.1500/- to Rs.2500/- per month. There are parents of some employees, whose age has been described as 70 to 80 years and it is difficult to presume that these people would be able to travel 3000 Kms. in a bus for continuously 13 days non-stop in the thick of summer months through Central, Western and Southern India.

7. During the course of inquiry the Bills of S/Shri K.P. Bajaj, Santosh Kumar, Vijai Pal Singh and Jai Lal were found genuine and they were reimbursed the amounts due to them.

8. S/Shri Ram Kanwar, Ram Pat, Ramesh Chand, Sri Ram, Gurmeet Singh, and B.A. Mistry confessed that their claims were fake and they made a written declaration to that effect. There was another group of 13 people who were reported to have travelled by Bus No. UP-85-9258 for 13 days and nights and surprisingly they did not even recognise each other and name a single person travelling along with them in that bus. The route chart of Gujarat Tourism Corporation Bus indicated that they would be visiting Khajuraho and Vrindavan Gardens in Mysore but many feigned complete ignorance about these places.



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The committee comprising S3Shri Lt. Col. AK Chaudhary, Maj. PR Deshmukh and B. Wanchoo submitted a report that all the claims put up by the claimants for having travelled by Gujarat Tourism Corporation bus to Kanya Kumari via Trivandrum and back to Delhi were all fake. The report is an indictment on the persons who submitted bogus bills. Six persons as mentioned above did give it in writing that they never actually travelled along with their family members to these places. There are 8 others who confessed their guilt in person before the Commandant, 505 Army Base Workshop, Delhi Cantt. They also confidentially reported that these things were engineered by a group of 4 persons, i.e. S/Shri Mehta, Bali, Iyer and Gupta and they could not reveal the same thing to the Committee because these persons hold important positions in the Union.

9. After hearing the learned counsel for the applicants and on a perusal of the record of this case, I find that there are serious infirmities in the submissions made by the learned counsel for the applicants. Even in the rejoinder the following facts have not been rebutted:

The fact that 61 people travelled in a bus having seating capacity of 55 persons has not been explained away. It would be difficult to accept the plea that in the month of June people could travel from Delhi to Kanya Kumari via Trivandrum and be back in 13 days practically travelling non-stop even with parents who were 70 to 80 years of age. This appears to be the 'cock and bull' story.

11. The learned counsel for the applicants accepted that six people ~~voluntarily~~ gave it in writing that their bills were fake but he said that they gave it in writing under threat by the Commandant. This plea cannot be accepted. No one would jeopardise his existence on the basis of threat. Drawing advance and not travelling upto the destination would amount to swindling and defalcation of government funds and they could have been proceeded against and dismissed from service. The applicants took a big risk. It is another thing that on the basis of their admission of guilt they were let off.

12. In case of certain others who are reported to have paid huge amounts, even upto Rs.15000/-, for purchase of tickets, did not have the financial capacity to do so. They could not even recognise the person who received the money from them and they could neither produce a receipt nor any certificate to the effect that they had paid to that person for purchase of tickets. This is a serious matter. The other group had no idea about Khajuraho and Vrindavan Gardens when they were expected to traverse these areas during the course of their journey. This casts a shadow on the genuineness of the claims.

13. Thirteen people being members of a party are not able to identify each other and to disclose their names when they travelled together for 13 days. This is something which cannot be believed. It is therefore presumed that the journey was never performed.

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14. The committee of the three members has rightly come to the finding that the bills were bogus and fake. There are glaring infirmities in the evidence during the course of examination.

15. In the facts and circumstances of the case it is not possible to sustain the arguments put forth by the learned counsel for the applicants. After a perusal of the record and the findings of the above-mentioned committee, I am convinced that there was an attempt to swindle a sum of Rs. 7 lakhs which were advanced to the applicants for undertaking journey ~~for~~ LTC. The applicants have failed to make out a case in their favour and accordingly the O.A. is dismissed as devoid of any merit or substance. The interim order granted by the Principal Bench stands vacated.

There will be no orders as to costs.


(B.K. Singh)
Member (A)