

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

D.A. NO. 1828/93

New Delhi this 4th day of February 1994.

Shri Rukam Singh,
Son of Shri Hari Lal,
Resident of House No. 92,
Village & P.O. Gokulpur,
Delhi-110 092.

... Applicant

(By Advocate Sant Singh)

Versus

1. Lt. Governor of Delhi,
Raj Niwas, Mall Road,
Delhi-110 006.
2. Executive Engineer,
Mechanical Workshop & Stores,
Delhi Administration,
Nangloi,
Delhi-110 041.
3. Superintendent, Engineer,
Delhi Administration,
ISBT,
4th Floor,
Delhi-110 006.

... Respondents

(By Advocate Shri D.N. Goburdan)

O R D E R

HON'BLE MR. J.P. SHARMA, MEMBER(J)

The applicant is aggrieved by the order dated 12.10.1992 whereby he was directed to deposit a sum of Rs. 320/- as LTC advance drawn by him sometime in the year 1982 alongwith the penal interest of Rs.510/-. The total comes to Rs. 830/-. In the application he has prayed for quashing of the aforesaid order and the direction to the respondents to refund the aforesaid amount illegally recovered from the applicant and further to reimburse the applicant with a sum of Rs.80/- which was the expenditure which was incurred by the applicant on travel over and above LTC advance. He has also prayed for costs.

2. The case of the applicant is that he availed of the L.T.C. and proceeded on journey with his wife and daughter from Delhi to Jummu and an advance of Rs. 320/- was sanctioned to him in the month of October, 1982. He submitted his adjustment bill of the above travel amounting to Rs. 400/- alongwith the supporting documents in November 1982. He has not been paid Rs. 80/- which he has incurred in excess of the advance money. Shri Kewal Singh was working in the Accounts Branch at that time with Respondent No. 2, Executive Engineer, Mechanical Workshop & Stores, Nangloi, Delhi and an affidavit of the said employee has been filed who has stated on Oath that the applicant had submitted his adjustment bill sometime in November/December, 1982, and he scrutinised the bills and all other relevant papers submitted by him and that was received in the Accounts Branch. It is further averred in the application that he was asked to submit the duplicate bills but he couldn't submit as he could not contact the travel agency for obtaining the duplicate documents. The applicant was granted LTC account in the year 1988-89. That the applicant is not at fault and no recovery can be made from the applicant of the LTC advancement or of the penal interest where the applicant is entitled to re-imburse a sum of Rs. 80/-.

The Respondents stated that
3. that took LTC advance on 20.10.1982 when he was working in the Department of Field Machinery Division and the LTC advance was not sanctioned ^{by} respondent no. 2. The applicant did not submit LTC bills alongwith the supporting documents. The applicant has shown some fake bills in FMD through the Timekeeper Shri Hari Mohan

Sharma but the same was returned to him and he was asked to get them rectified and submit in the office for further necessary action. The applicant did not turn up with the genuine documents. The affidavit filed by Shri Kewal Singh, Timekeeper, is denied. Even at that time Shri Kewal Singh was not authorised to scrutinise the bill. The applicant was not granted LTC advance during the year 1988-89, however, he was given subsequently LTC Claim when he produced all the relevant bills after coming back. In view of this it is said that the applicant is liable to pay the LTC advance alongwith the penal interest and he has been issued several letters in August, September 1984, January, April, July 1985 and July 1986. Another letter was issued in August 1992 which was not replied by him therefore, by the order dated 13.10.1992 he was asked to deposit Rs. 830/-.

4. I have heard the learned counsel for the applicant. Departmental Representative appeared for the respondents.

5. The contention of the learned counsel for the applicant is that the adjustment bills of LTC were submitted well in time and this is substantiated by the affidavit of Shri Kewal Singh who was working as Accountant in the Accounts Branch in MWS. This fact, is therefore, evident from the affidavit itself that the applicant submitted the LTC claim showing the adjustment of LTC advance. The averment in the counter that the applicant submitted certain fake bills which were returned to him cannot be accepted. It is in view of the fact that in Para 4.9 of the counter it is evident that the respondents have seen a photocopy of the bus Permit No. 882 J&K of Bus No. DES-4039. The name of the applicant

was, however, not there and those papers were returned to the applicant. This action of the respondents or the concerned staff member is not according to law. The adjustment bills should have been taken, verified and if that was found to be false or not genuine, the applicant should be questioned on that point. Merely stating after such a long time will not absolve the respondents from the responsibilities. The departmental representative who appeared in person referred to application made by the applicant on 3.7.1984 in which the applicant has undertaken to furnish full documents within 15 days as he was searching for the agent. If the applicant has not furnished the requisite documents, and the case of the respondents is that he did not file any adjustment bill earlier, the respondents should have drawn proceedings against the applicant at that relevant point of time. Not doing the same and condoning the default of the applicant gives an impression that the adjustment bills were duly submitted by the applicant but they were lost.

6. Again the respondents have to maintain a Register of LTC claimed and in view of the GFR 233, a second advancement cannot be made to a government servant until an account has been given of the first advance. Thus, the respondents have given the LTC facilities to the Government servant in the year 1988-89, which goes to show that there was no lapse on the part of the applicant in not submitting the adjustment bills of the first LTC advancement. This fact also goes against the respondents. The outstanding amount shown against the applicant, therefore, cannot be said to be justified.

7. The applicant has also claimed re-imbursement of Rs. 80/- but there is no evidence that the applicant has actually spent Rs. 400/- or amount beyond Rs.320/- for which he has taken an advance. Since there is no evidence on record, the re-imbursement of this amount cannot be allowed.

8. The application therefore, is partly allowed and the impugned order of recovery dated 12.10.1992 of an amount of Rs.830/- from the applicant is quashed and the respondents are directed to refund the amount to the applicant within three months from the date of receipt ^{order} of the copy of this. Rest of the reliefs claimed by the applicant are disallowed. Costs on parties.

Jomaae.

(J.P. Sharma)
Member(J)

Mittal