

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

...

O.A.1864 of 1993

Dated New Delhi, the 8th April, 1994

Hon'ble Shri B. N. Dhoundiyal, Member(A)

Shri O. P. Bansal(J.T.O.)  
S/o Shri R. K. Bansal  
Room No.203B  
Eastern Court  
NEW DELHI

... Applicant

By Advocate: Ms Rita Kumar

VERSUS

1. Union of India, through  
Secretary,  
Department of Telecommunication,  
Sanchar Bhawan,  
Parliament Street,  
NEW DELHI

2. Mahanagar Telephone Nigam Ltd.,  
Through Chief General Manager,  
Khurshid Lal Bhawan,  
NEW DELHI

... Respondents

By Advocate: None present.

O R D E R  
(Oral)

Hon'ble Shri B. N. Dhoundiyal, M(A)

This O.A. has been filed by Shri O. P. Bansal, Junior Telecom Officer, at present under deputation to Mahanagar Telephone Nigam Ltd. (MTNL) from the department of Telecommunication. He applied for Leave Travel Concession (LTC) in the month of June, 1992. Though he could not be granted leave, his wife, his mother, four sons and one daughter performed journey and thereafter he submitted the claim for Rs.17,710/- on 31.7.92. He is aggrieved that his claim has not been settled on the ground that he has not given correctly the age of his sons and that two of his sons are gainfully employed elsewhere and are not dependent on him.

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2. This case was called in the revised list but none was present on behalf of the respondents. I therefore proceed to decide this case on the basis of pleadings and submissions made by the learned counsel for the applicant.

3. In the counter filed by the respondents, it is averred that apart from incorrect mention of ages of his(Applicant's) sons/daughter, a report by the Vigilance Officer dated 25.6.93 shows that his two sons are engaged in business and they cannot be treated as dependent on the applicant.

4. The learned counsel for the applicant has produced a copy of the Ration Card in order to show that all his family members are living together with him. She has also drawn my attention to D.O.T.'s letter No.22/5/88-PAT, dated 27.4.1988 which mentions that Government of India's Decision No.(1) under SR 2(8) provides the term 'Children'(in the family) includes major sons, married daughters etc., so long they are residing with and are wholly dependent upon the parents.

5. In this case, before reaching the conclusion that the two sons of the applicant are not dependent on him, an opportunity should have been given to the applicant to clarify the matter.

6. The respondents have mentioned in the counter that the matter has been referred to the Vigilance Department and the Deputy General Manager(P) for further investigation and the claim of the applicant would be finally settled after the investigation on the basis of investigation report.

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7. While the respondents are free to continue with the investigation, they have to give an opportunity to the applicant to clarify the matter. The claim also has to be finalised expeditiously. The application is, therefore, disposed of with the following directions:-

- (i) The applicant will be given an opportunity to file a detailed representation and will also be accorded personal hearing before the authority concerned takes a final decision in this case.

This process shall be completed within a period of one month from the date of communication of this order.

- (ii) If due to any reason, the enquiry is not finalised within this period, the LTC claim shall be settled on the basis of a sworn <sup>Av</sup> affidavit to be given by the applicant to the effect that his sons are in fact dependent on him.

There will be no order as to costs.

*B. N. Dhoundiyal*  
(B. N. Dhoundiyal)  
Member (A)

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