

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 100 of 1993

Date of decision: 07.06.1993

Shri Ataur Rehman Gauri

...Petitioner

Versus

Union of India & Others

...Respondents

For the Petitioner

...Shri M.K. Gupta,
Counsel

For the Respondents

..Shri J.C. Madan,
Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. S.R. ADIGE, MEMBER (A)

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr. Justice
S.K. Dhaon, Vice Chairman)

The petitioner on the relevant date was working in the Directorate of Statistics & Intelligence, Central Excise and Customs. He was entitled to Leave Travel Concession (LTC). He obtained certain sum on LTC. He gave out that he travelled from Delhi to Jodhpur as advance for travelling from Delhi to Jodhpur on 24.10.1987. About 2½ years thereafter, disciplinary proceedings were initiated against him. The allegation was that, in fact, he had not travelled at all on 24.10.1987 and submitted false bills. At that stage, he approached this Tribunal by means of this OA. The disciplinary proceedings had yet to be completed and final orders passed therein.

2. It is urged that, in view of the passage of time between 24.10.1987 and the date of the initiation of the disciplinary proceedings and in view of the fact that the petitioner had not maintained the document containing the number of the ticket he had purchased, it will be impossible for him to prove that he had, in fact, purchased a ticket. It is stated at the Bar that the records are weeded out after the expiry of a period of six months.

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3. Learned counsel for the respondents has made a fair offer. He has stated that in the disciplinary proceedings the burden to prove that the petitioner had travelled on 24.10.1987 under a ticket would not be on him. On the contrary, the burden will be on the department to prove that on 24.10.1987, the petitioner did not travel at all and, in fact, he got his reservation cancelled and took a refund.

4. In view of the above statement of the 1d. counsel for the respondents, the interest of the petitioner is amply safeguarded. No ground, therefore, exists now to interfere. The application is dismissed. No order as to costs.

5. We make it clear that the disposal of this application and the order passed therein will not in any manner prevent the petitioner from challenging the order of punishment, if eventually passed against him.

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(S.R. ADIGE)

MEMBER

07.06.1993

S.K.
(S.K. DHAON)
VICE CHAIRMAN
07.06.1993