

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : ALLD BENCH

ALLAHABAD

Dated: ALLD. on this 16th Day of October, 1997.

CORAM Hon'ble Mr S Das Gupta, A.M.

ORIGINAL APPLICATION No.173 OF 1996.

Karuna Shankar Tiwari S/o late Shri  
Shiv Kumar Tiwari, R/o 18-C/1, Murabad,  
Allahabad, at present Regional Director  
Workers Education, Ministry of Labour  
Bhilai, Dist: Durg (M.P.)

... Applicant

C/A Shri H P Pandey

Vs.

- (1) Union of India through  
Secretary, Ministry of Labour  
New Delhi.
- (2) Chairman  
Central Board for Workers Education  
Shram Sadhana, Raopura,  
Baroda, Gujrat.
- (3) Director General  
Board for Workers Education  
North Amble, Zari Road, near V R C Gate  
Nagpur-10, Maharashtra.

... Respondents

C/R Shri Amit Sthalekar

O R D E R

By Hon'ble Mr S Das Gupta, A.M.

Through this application filed under section 19 of Administrative Tribunals Act, 1985, the applicant has prayed for a direction <sup>to</sup> be issued to the concerned authorities not to recover from him an amount of Rs.14,630/- representing L.T.C. advance together with interest without holding an enquiry.

2. The pleadings have been exchanged. It appears from the pleadings that the applicant, while he was posted at Muzaffarpur, had availed of L.T.C. for the block year

1990-91 and advance was whkf bi tky hgf hqbas bs' ear ;nc.

1990-93. ~~And~~ advance was paid to him and after travel was completed, he had submitted adjustment bill which was also passed. Thereafter, he was transferred to Gorakhpur and while posted at that place, he again applied for another L.T.C. for the same block year 1990-93. <sup>For</sup> ~~^~~ This also, an advance was sanctioned and after completion of travel, the adjustment bill was also passed. Later, it was detected that the applicant had been allowed L.T.C. twice in one block year. An enquiry was conducted after giving a notice to the applicant and thereafter impugned action of ~~the~~ recovery of the LTC advance together with interest thereon was taken.

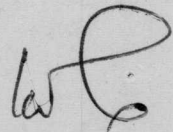
3. It is clear from the record that applicant was granted LTC twice during one block year which is not permissible under the extant rules. There is no sufficient evidence on record to indicate that the applicant had obtained the 2nd LTC by any fraud or misrepresentation. However, being the beneficiary himself, he ought to have known that he had already availed L.T.C. for the block year 1990-93. There is <sup>also</sup> responsibility on the part of the office inasmuch as they should not have sanctioned the LTC advance <sup>for</sup> during the 2nd time and to that extent, there has been lapse on the part of administration also.

4. To a specific question to the learned counsel for the applicant as to whether there is any rule which gives a discretion to authorities concerned to grant two L.T.C.s in one block year. ~~The~~ Learned counsel for the applicant ~~stated~~ a rule which, however, related to carrying forward of an unavailed LTC of one block year to the next block year. No rule could be cited which would show that the authorities have any discretion for granting two LTC in one block year or to adjust excess LTC against next block year ~~due~~.

W.L.

5. In view of the foregoing, I find there is no alternative but to recover LTC advance granted to the applicant. However, I see no reason why interest should be allowed on the said amount. In view of the foregoing, I direct that the amount of Rs.14,630/- which was given to the applicant as LTC for the second time during block year 1990-93, be recovered from him in easy instalments without any interest thereon. Without mentioning the number of instalments, I would only observe that the maximum number of instalments <sup>permissible</sup> under the rules may be allowed to recover the amount. <sup>^</sup>

6. Parties shall bear their own costs.

  
A.M.

/snt/