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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: Allahabad this the 28th Day of July, 2000.

CORAM: Hon'ble Mr. S.K.I. Naqvi, J.M.

Original Application No. 1033 of 1997

1. Lachchoomal T/S.K.-10525/660-P3/G S/o Durga Prasad
R/o II/I Factory Estate, Shahjahanpur.
2. Hazrat T/H.S.II-4754/P-403, Bench No. T-3 Shift G.
S/o Shabdatt R/o Mohalla Haddoof Chowki, Shahjahanpur.
3. Abrar Hussain T/S.K.-4458/P-404 Bench No. T. 3, Shift
G S/o Masit Ullah, Village-Bilahri, District-Shahjahanpur.
4. Mohd. Ismail T/SK-1197/P-803 Bench No. 7-26 Shift G.
S/o Amjad Khan Mohalla Delazaq Near Police Lines
Shahjahanpur.
5. Azmat Ali T/SK-8612/P-774 Bench No. T-25, Shift G.
S/o Wali Mohammad Mohalla Aimanzai Jalalpur, Shahjahanpur.
6. Mohd. Nabi T/SK-7514/P-415 Bench No. T-3, Shift G. S/o
Chhotey Mohalla Sufi Tola P.S. Baradari, Bareilly.
7. Ram Saroop T/SK-7776/P-159 Bench No. 116, Shift B,
S/o Bal Krishna R/o Aimanzai Jalalnagar Shahjanpur.
8. Munney T/SK-10180/P-406 Bench No. T-3 Shift-4.
S/o Chhotey Mah. Sufi Tola. P. S. Baradari, Bareilly.

S.C. -

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9. Mohd. Azim T/SK-4204/P-413 Bench No. T-3, Shift G.

S/o Azad Ali Moh. Mohman Shah Char Khamba, Shahjahanpur.

... Applicants

Counsel for the applicants = Sri K.C. Saxena

VERSUS1. U.O.I., through Secretary, Ministry of Defence,
New Delhi.

2. G.M., O.C.F. Shahjahanpur.

3. Works Manager/Administrations, Labour O.C.F.
Shahjahanpur.

... Respondents

Counsel for the respondents = Sri Amit Sthalekar

ORDER

(By Hon'ble Mr. S.K.I. Naqvi, J.M.)

All the 9 applicants have come up with the prayer that respondents be directed to adjust the advance of LTC made to the applicants on the submission of their adjustment and also to restrain the respondents from making any recovery from their salaries of August, 1997 payable in September, 1997.

2. As per applicants case they were paid advances against sanctioned LTC and when they submitted their adjustment ~~base~~ ^{bill} the same were held not correct and the respondent ordered for recovery of amount paid as LTC advance. The applicant have come up impugning this action of the respondents.



3. The respondents have contested the case and filed the counter reply.

4. Heard the learned counsels for rival contesting parties and perused the record.

5. The learned counsel for the applicant has mainly based his arguments on the decision by this Tribunal in O.A. No.166/94 decided on 28.3.1988 and the same view followed in O.A. No.304/95 decided on 26.5.2000. Sri Amit Sthalekar, learned counsel for respondent conceded only to the extent that the facts and the law as was in concern in the referred decided cases, ~~his~~ similar ~~is~~ ^{distinguish} ~~the~~ controversy in the present matter and his efforts to ~~contesting~~ ^{on other counts} in between the present matter and those referred decided matters ~~of~~ have failed.

6. With the above position, the controversy remains ~~from~~ ^{very} short and I do not hesitate in sharing the views of my learned brothers as observed in above referred O.A. No. 166/94 and 304/95 and the present O.A. is also decided in ~~term~~ ^{terms} of findings therein.

7. In the light of above the respondents are directed.

8. To decide within a period of one month, from the date of communication of this order by the applicants, as to whether they want to initiate any disciplinary enquiry against the applicants,

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and if they do, they shall serve charge-sheet on applicant within this period and complete the enquiry within further period of 3 months.

Or in the alternative.

To settle the claim of the applicants for LTC within a period of 3 months from the date of communication of this order.

No order as to cost.

S. C. Joshi
Member (J)

/ T. Joshi/