

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 10th day of MARCH 2005.

Original Application no. 642 of 2001.

Hon'ble Mr. K.B.S. Rajan, Member J

R.N. Singh, S/o late D.P. Singh
S.M. Q. 72/5, Airmen Colony (Air Force),
Izatnagar, Bareilly,
Presently he working as F.G.M., in G.E. (1)
Air Force, Izatnagar,
BAREILLY.

...Applicant

By Adv : Sri R.C. Pathak

V E R S U S

1. The Union of India, through Secretary,
Ministry of Defence,
Govt. of India,
NEW DELHI.
2. Controller of Defence Accounts (Army)
Meerut Cantt.,
MEERUT.
3. Garrison Engineer (I),
Air Force, Izatnagar,
BAREILLY.
4. The Assistant Accounts Officer,
G.E. (I)m Air Force Izatnagar,
BAREILLY.
5. The Assistant Garrison Engineer (AGE)
E/M No 2 GE(I) Air Force, Izatnagar,
BAREILLY.

...Respondents.

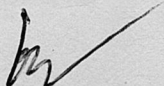
By Adv : Sri S. Singh

ORDER

By K.B.S. Rajan, JM

Heard Sri K.C. Srivastava brief holder of Sri R.C. Pathak learned counsel for the applicant and Sri Anil Dwivedi brief holder of Sri S. Singh learned counsel for the respondents.

2. The admitted facts of the case are that the applicant availed of , in April 1998, Four Year (All India) L.T.C. for the block year 1994-97 and on



that score, he had also received an advance of Rs. 22,240/-, and had undertaken the journey from Bareilly to Trivandrum by hired bus organized by Manipur Tourism. After the journey, the applicant preferred necessary bill according in respect of the travel preformed. After taking into account the advance received by him, claim was made for the balance amount. However, his bill was returned unpassed by letter dated 31.07.1998 on the ground that the L.T.C. would be admissible only if the tour conducted/operated by the Nagaland, Manipur Tourism, or local bodies like Gorhwal Mandal Vikas Nigam was in a bus owned by them and Registered with the R.T.O. and not by hired bus. In this case as the Transport used was a hired one, though the tour was conducted by the Manipur Tourism, apart from the returning of the bill preferred by the applicant, recovery of the advance of Rs 22,400/- received by the applicant was also effected @ Rs. 2224/- per month from the pay of the applicant for the period from April 2000 to January 2001

3. The applicant has challenged the legality of the recovery of advance and also asserts his entitlement to the L.T.C. claim.

4. The respondents have clearly stated in para 10 of their counter affidavit (in reply to para 4.9 of the OA) that the applicant was denied the benefit of LTC as he had undertaken the bus not hired by Bus organized by the Tourism department.

5. The aforesaid restrictions of grant of LTC only when the travel bus undertaken in a tour operated by the tourism by their own buses and not when the buses was hired has been removed by the Govt. by order dated 30.07.2002 on the same rates as under:

“ No. 31011/G/2002/Estt (A)

GOVT. OF INDIA

Ministry of Personnel, Public Grievances Pensions

(Department of Personnel & Training)

New Delhi, dated the 30th July, 2002

OFFICE MEMORANDUM

Subject : Leave Travel concession to Central Government Travel by State Tourism Development Corporation Buses-Clarification-regarding.

The under signed is directed to say that under the existing instructions contained in this Department's O.M. No. 31011/4/97-Estt (A) dated 9th February, 1998, Leave Travel Concession is not admissible if the journeys are preformed in private buses or buses hired or chartered by ITDC/State Tourism Development Corporations from outside. The Staff side has raised a demand in the National Council (JCM) that the tours, conducted by the ITDC/State Tourism Development Corporations, either in their own buses or lbuses hired of chartered by them may 'b' made admissible for availing the facility of Leave Travel Concession. The matter has been reconsidered and it has



been decided that tour conducted by ITDC/State Tourism Development Corporation either their own buses or buses hired or chartered by them from out side will qualify for the purpose of availing Leave Travel Concession provided the ITDC/State Tourism Development Corporations certify that the journey has actually been performed by the Government servant and his family members for which he is claiming the leave, Travel Concession.

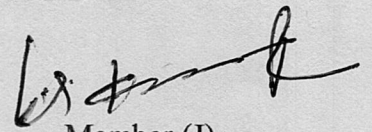
2. The above instructions will be applicable as and when OM dated 2.3.2001 suspending LTC facility is withdrawn. The cases of exempted retiring employees and pending cases where decision is yet to be taken may be decided in the light of instructions laid down in para 1 above. However the past cases decided otherwise need not be proponed.

Sd/-
(V.A. Pillol)
Under Secretary to the Govt. of
India.”

6. In view of the above all pending cases in this regard have to be processed only in accordance with the latest order. As the applicant had approached this Tribunal challenging the recovery of LTC advance, this case is one of the pending cases and cannot be treated as a settled affair. Hence the provision of order dated 30.07.2002 is fully applicable in this case and the applicant is entitled to the LTC.

7. In view of the above the OA succeeds and the respondents are directed to process the LTC claim of the applicant, on his preferring (within a period of six weeks from the date of receipt of this order) necessary claim for the full amount within a period of three months from the date of submission of his claim along with copy of this order.

8. Under the circumstances there shall be no order as to costs.


Member (J)

/pc/