

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 645 of 2001

Allahabad this the 30th day of May, 2002

Hon'ble Mr.C.S. Chadli, Member (A)

1. Onkar Singh, S/o Sri Gopi Chand, 37/220, D,  
Nagla Bhuri Singh, Bundu Katra, Agra.
2. Mohammad Yamin, S/o Sri Mohd.Yasin Khan, 58/49,  
Sarai Khwaja, Agra.
3. Rustam Singh S/o Sri Kaptan Singh, MES KLP  
Colony, 51/2, Idgah, Agra.
4. Bhudev Singh, S/o Sri Baghunath Singh, Nagla  
Jheelra Akola, Agra.
5. Mohammad Zahoor, S/o Haji Allahdin, 38, Sahai  
Nagar, Shahganj, Agra.
6. Surjeet Singh S/o Sri Anup Singh, 37 A/17, Madhu  
Nagar, Agra.
7. Mahabir Prasad, S/o Sri Sohan Lal, Sainik Nagar,  
near Military Boundary-Rajpur Chungi, Agra.

Applicants

By Advocate Shri Yar Mohammad

Versus

1. Union of India through the Secretary, Ministry  
of Defence, NEW DELHI.
2. Garrison Engineer(East), Agra Cantt., Agra.

..pg.2/-





3. Controller of Defence Accounts(A), Meerut.
4. Assistant Accounts Officer(A), Garrison Engineer(E)Office, Agra.

Respondents

By Advocate Shri V.V. Mishra

O R D E R ( Oral )

By Hon'ble Mr.C.S. Chadha, Member (A)

By filing this O.A. the applicant have sought to get the order dated 22.03.01(Annexure A-1) quashed. By the said order ~~the~~ recoveries have been directed to be made against the applicants on the ground that they have claimed false L.T.C. bills because the R.T.O. permit issued<sup>6</sup> to the Bus by which they had travelled, was found to be forged. The applicants have submitted that they were not given any show-cause notice or opportunity to be heard. Further they have produced alongwith the rejoinder a letter from the Manipur Tourism Department alongwith verification of journey tickets of the applicants with the signatures of the applicants, and the same have not been challenged by the respondents. Learned counsel for the respondents has only stressed the fact that the Bus by which the applicants claimed they had<sup>6</sup> travelled, did not have a valid permit, as pointed out by R.T.O. Banda and the permit number was found to be forged. It has never been the case of the respondents that the journey tickets submitted by the applicants were found to be forged and false. On the contrary vide annexure ~~R.A.~~ A-1 and its...pg.3/-

*[Handwritten signature]*



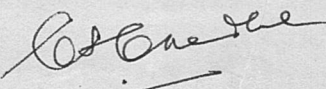
enclosures the department of Manipur Tourism has confirmed to the Assistant Garrison Engineer (East) Agra Gwalior House, Agra in response to his own letter dated 07.01.98 that the genuineness of all the tickets of 9 employees of his own office has been certified. Despite this certificate, only ground which the respondents mentioned was that the R.T.O. permit was forged. A person who sits in a Bus to travel does not verify whether the permit issued to the Bus is valid or forged, and he is not supposed to verify this before buying the tickets. It is nowhere claimed that the tickets were forged. In fact I am surprised to find a passanger list at annexure-6 duly counter-signed by the R.T.O. Banda, which not only mentions the names of the applicant but their ages and the names of relatives and their relationships. On the top of the list, it is clearly mentioned that the journey date is between 28.12.1997 to 10.01.98. If such a list has been counter-signed by the R.T.O. Banda as well as by the Joint Director, Tourism, Govt. of Manipur, who are supposed to have arranged the Bus, rejecting the claims of the applicants merely on the ground that the permit of the Bus was forged, is illogical. The Bus owners or the persons who operated the Bus may have violated the Transport Rules of Permits or even evaded the transport taxes but even in that case the applicants cannot be held guilty of claiming false L.T.C. if their journey is certified by the public authorities. In the aforesaid circumstances, I cannot sustain the impugned order which is passed without

*[Signature]*



application of mind. The O.A. is, therefore, allowed. The order of recovery is quashed. If any recovery has been made, same shall be refunded forthwith. This order should be complied with within one month of filing of this order.

2. Learned counsel for the respondents states that the applicants have in fact claimed false L.T.C. and therefore, it should be open for them to hold a fresh inquiry . I have no objection if any inquiry is made as per law and proving that the L.T.C. claim was false, however, till that is done, no recovery can be made from the applicants.

  
Member (A)

/M.M./