

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Diary No. 3294 of 2001

In

Original Application no. 980 of 2001.

this the 7th day of August 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

1. R.M. Tripathi.
2. R.S. Tewari.
3. Jagannath.
4. Pitamber Pandey.
5. Mahesh Chand Pandey.
6. Bhawan Chand.
7. S.K. Agnihotri.
8. R.K. Shukla.
9. R.P. Srivastava.
10. Ram Chandra.
11. Shyam Lal.
12. Kailash Chand.
13. Gama Prasad.
14. Prabhu Dayal.

Applicants.

By Advocate : Sri R.M. Shukla.

Versus.

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. Engineer-in-Chief, Army Headquarters, Kashmir House, New Delhi.
3. Chief Engineer, Central Command, Lucknow.
4. Commander Works Engineer, Cantt., Kanpur.
5. Garrison Engineer, Military Engineer, Services, Kanpur

Respondents.

Sri G.R. Gupta for Sri R.C. Joshi.

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O R D E R (ORAL)

By means of this O.A., the applicants, who are at present working in the office of MES Cantt., Kanpur, have prayed for quashing of the letter dated 11.6.2001 (Annexure-1) By the said order, the LTC adjustment claim submitted by the applicant has been rejected and an amount of LTC advance taken by the applicants has been ordered to be recovered from their salary w.e.f. June' 2001. The main ground for rejecting the claim is that the applicants undertook the journey by bus, whereas the journey undertaken on LTC by bus on or after 9.2.98 is not admissible under Government of India letter dated 9.2.98.

2. The learned counsel for the applicants has contended before me that the impugned order has been passed by the respondents without issuing any show-cause notice. It is further contended that journey, in question, which was undertaken by the applicant by the Bus of Government of Manipur (Manipur Tourism), ^{by} ~~which~~ is admissible as per the Government of India letter dated 9.2.98 because the Bus in which the journey was performed belongs to Tourism ^{department}. Without expressing any opinion on this point, I find that the impugned order cannot be sustained because the same has been passed without affording any opportunity to the applicants to state their case before the competent authority and the order is against the principles of natural justice. I accordingly allow this O.A. and quash the impugned order dated 11.6.2001. The respondents are, however, at liberty to consider and pass appropriate orders on the claim submitted by the applicants after giving them a reasonable opportunity of being heard.

3. The O.A. stands allowed as above with no order as to costs.

[Signature]
MEMBER (J)

GIRISH/-