

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

.....
O.A.No: 1264/2001

(Diary No. 4657 of 2001.)

in

original Application No. of 2001.

this the 2nd day of November 2001.

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

1. Harish Chandra Tiwari, S/o late Baldev Prasad Tiwari, R/o P 17/4 DSC Line, Kanpur.
2. Bhim Shanker, S/o Jagadish Prasad, R/o H. No. 562 C Rail Bazar, Kanpur.
3. Rattan Lal, S/o Sri Mittu Lal, R/o P 7/11 Raksha Vihar Colony, Kanpur.
4. Chhotey, S/o Sri Sabit Ali, R/o H.No. 197, Meerpur Cantt. Kanpur.
5. Gopal Ji Srivastava, S/o late Sri Ram Chandra Srivastava, R/o H.No. P 20/4 DSC Line, Kanpur Cantt.
6. Ram Swaroop Singh, S/o Vijay Bahadur Singh, R/o H.No. 46, Gayatri Nagar, Sanigawan Road, Kanpur.

Applicants.

By Advocate : Sri K.P. Singh.

Versus.

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

Respondents

By Advocate : Sri Rajiv Sharma for Sri R.C. Joshi.

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O R D E R (ORAL)

The applicants who are working as class-III employees under Garrison Engineer, Kanpur Cantt., have filed this O.A. for issuing a direction to the respondents not to recover advance amount from the applicants' salary because they had already submitted the vouchers for which the advance was drawn and to quash the respondents' letter dated 29.9.2001 (Annexure A-1). It is further sought that the directions may be issued to the respondents to accept/entertain the final adjustment claims of LTC submitted by the applicants, and after passing the same pay difference of amount as per their entitlement.

2. It appears that the applicants after completion of return journey submitted their final adjustment of LTC claim on prescribed proforma alongwith all relevant documents/receipts etc. on different dates in the year 1998. It is stated that the respondents after counter checking and verification of the claims submitted by the applicants forwarded to the Controller of Defence Accounts (Central Command), Lucknow for admittance in audit and passing the same vide letter dated 12.8.2000 after a gap of about two years from the date of submission of the claims by the applicants. However, C.D.A. (C.C.), Lucknow vide their letter dated 20.9.2000 informed that the claims submitted by the applicant cannot be admitted in audit in terms of Government of India letter dated 9.2.98. It is stated that the applicant no. 1 namely Harish Chandra Tiwari submitted a detailed representation on 28.8.2001 in the light of the order dated 7.8.2001 passed by this Tribunal in O.A. no. 980 of 2001 in re. R.M. Tripathi & Others vs. Union of India & Others on the ground that the applicants are also similarly situated persons. It may be stated that by the aforesaid order dated 7.8.2001 this Tribunal has inter alia directed the respondents to consider and pass appropriate orders

on the claims submitted by the applicant after giving a reasonable opportunity of being heard.

3. I have heard the learned counsel for the parties and have perused the pleadings on record.

4. It has been urged by the learned counsel for the applicant that directions may be issued to the respondents to consider the claims of the applicants after giving them a reasonable opportunity of being heard, as has been done in the aforesaid case. It is also stated that the representation of the applicant no.1 namely Harish Chandra Tiwari has not been disposed of as yet.

5. Considering the facts and circumstances of the case, the O.A. is, therefore, disposed of with the directions to the respondents to consider and pass appropriate orders on the representation submitted by the applicant no.1 namely Harish Chandra Tiwari in connection with the LTC claim. It is also provided that before passing any adverse order with regard to LTC claim, an opportunity of being heard should be given to the applicants. No costs.

Ravinder
MEMBER (J)

GIRISH/-