

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 22nd day of DEC 2005.

Original Application No. 1193 of 2004.

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

1. V.N. Shukla, S/o Sri Kedar Nath MES 452602
2. S.K. Bajpai Elect, S/o Shri Shiv Bllosh Bajpai MES 471506.
3. Basir Ahmad Elect, S/O Shri Subraati MES 450559

.....Applicants

By Adv: Sri R.S. Dwivedi

V E R S U S

1. Union of India through Secretary, Ministry of Defence, NEW DELHI.
2. Engineer-in-Chief, Army Head Quarters, Kashmir House, NEW DELHI.
3. Chief Engineer, Central Command, LUCKNOW.
4. Commander Work Engineer Chakey, KANPUR CANTT.
5. Garrison Engineer (I), B/R, Military Engineering Services Chakery, KANPUR CANTT.

.....Respondents.

By Adv: Sri S. Singh.

O R D E R

This case relates to LTC claim preferred by the three applicants herein in respect of journeys undertaken by them during May to November 1998, in a private bus arranged through Tourism department of State Govt. The respondents have on the basis of a Govt. order dated 09.02.1998 negatived such claims



when travel is undertaken by private buses even if organized through State Tourism. The applicants submit that the relevant orders on the subject were not made available to their office and as such they are entitled to such benefits. They have also relied upon the decision of this Tribunal dated 08.04.2003 in OA 191 of 2002. Hence, they have prayed for quashing the recovery letter dated 28.05.2004. In addition they have also prayed for refund of the LTC amount.

2. Respondents have contested the OA. They have stated that as the individuals are not entitled to the LTC claim, the advance paid to them was already recovered and by letter dated 28.05.2004, interest is sought to be recovered.

3. Arguments have been heard. By virtue of the order of the Ministry of Personnel as extracted below, the applicants become entitled to the LTC as their cases cannot be considered to have been decided.

" 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 performed in private buses or buses hired or charted 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 buses hired or 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. Pillal)
Under Secretary to the
Govt. of India."

4. In view of the above the OA is allowed. It is declared that the applicants are entitled to the LTC claim. Accordingly, Order dated 28.05.2004 is quashed and set aside. The claims of the applicants already submitted shall be processed by the respondents and the entitled amount be disbursed to them. This may be done within a period of four months. No costs.


Member (J)

/pc/