

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO. 524 OF 2004

ALLAHABAD THIS THE 24th DAY OF MARCH, 2006

HON'BLE MR. K. B. S. RAJAN, MEMBER-A

B. N. Ojha,
Son Of 243/1/1/1/1, Pura Dalel,
Allapur, Allahabad.

..... Applicant

By Applicant: Shri H. S. Srivastava

Versus

1. Union of India, through Secretary,
Ministry of Defence (Finance),
New Delhi.
2. The Controller General of Defence Accounts,
West Block-V, R.K. Puram,
New Delhi.
3. The Principal Controller of Defence Accounts,
(Central Command), Lucknow.

..... Respondents

By Advocate: Shri R. K. Tiwari (Absent)

O R D E R

By K.B. S. Rajan, Member-J

This case pertains to payment of LTC to the applicant whose family has undertaken travel through a private bus organized by Garhwal Mandal Vikas Nigam Limited, which was authorized by State Tourism Development Corporation, Lucknow, the tour having been undertaken between 23.02.1998 to 08.03.1998.

2. The facts of the case in brief are as under:-

a) The applicant proposed to send his family members to visit Kanya Kumari by a chartered

bus operated by Garhwal Mandal Vikas Nigam Ltd., which was authorized by State Tourism Development Corporation, Lucknow.

b) The applicant was sanctioned and paid LTC advance by the competent authority. Accordingly his family members under took the journey from Allahabad to Kanya kumari and back during the period from 23.02.1998 to 08.03.1998.

c) After completion of the aforesaid journey, the applicant submitted LTC adjustment claim for Rs.11460/-.

d) Government of India, Department of Personnel & Training issued O.A. dated 9.2.1998 circulated by on 22.4.98, stipulating that the Leave Travel Concession would not be admissible for tours conducted by ITDC/State Tourism Development Corporation, Nagaland Tourism or Manipur Tourism orloal bodies like Garhwal Mandal Vikas Nigam or Kumayun Mandal Vikas Nigam if the same is conducted in a bus leased hired or charted from private parties.

e) When the applicant came to know that the LTC claims of other co-passengers had been passed he represented vide his representation dated 12.05.1999 but no reply was received.

f) The applicant again represented vide application dated 4.12.2000. The applicant retired from service on 30.06.2001 and when the applicant received a copy of the Pension Payment Order he found that a sum of Rs.10300/- was deducted from his retirement gratuity. Since the applicant has already performed his journey after due sanction of the competent authority and before receipt of the aforesaid OM he represented vide representation dated 15.6.2001.

g) The respondent intimated to the applicant through his letter dated 24.9.2003 that his case has already been decided and according to letter dated 30.07.2002, the past cases decided otherwise need not be reopened.

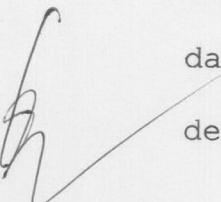
3. The respondents have contested the O.A stating that Journeys by Chartered Buses are admissible for LTC only on those cases where the tour is wholly operated by ITDC/STDC either by their own buses or buses taken on hire outside and it has also been submitted that after the applicant's retirement on 30.06.2001 a sum of Rs.10,300/- was deducted being the LTC advance from the terminal benefits. According to them OM dated 30.07.2002 is not applicable as according to ^{some} ~~some~~ past cases decided otherwise need not be reopened.

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4. Rejoinder affidavit has been filed by the applicant, reiterating his contentions as contained in the O.A.

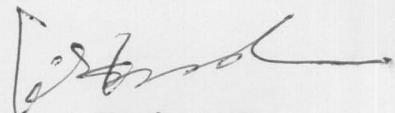
5. It is a matter of record that by the time the family of the applicant under took the travel the DOPT's OM dated 09.02.1998 did not percolate in the office of the respondents. Advance had been paid to the applicant only after ascertaining the entitlement. Order dated 30.07.2002 has to be applied in all cases wherein the LTC was denied. The applicant has never accepted the denial of LTC to him and he has been agitating. For that matter he contained representing when the LTC advance was deducted and in this regard representation dated 15.06.2001 refers. Just because a mention was there in O.A. dated 30.07.2002 that past cases decided otherwise need not be reopened, The case of the applicant cannot be considered or treated as one of the past cases to deny the benefits. It is declared that the applicant is entitled to the claim.

6. In view of the above, the O.A. succeeds. The respondents are directed to consider the claim of the applicant and make the payments admissible to him in respect of LTC undertaken by his family in 1998. The amount due to the applicant shall be made available within a period of three months from the date of communication of this order. If there be delay in payment of the sum due to the applicant,



beyond the aforesaid period of three months, the respondents shall pay interest @ 6% from 01.08.2002 till the date of payment.

7. No Costs.



Member-J

/ns/