

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No. 828 of 2004.

Allahabad, this the 23rd day of September, 2005.

Hon'ble mr. K.B.S. Rajan, Member-J.

1. MES. No.452697, Gopal Shukla FGM. Son of Shri Mool Chandra.
 2. MES.No.452532, Bageshwar Prasad FGM. Son of Shri Gopal Ram.
 3. MES. No.471463, Chandra Bhan Singh MTS. Son of Shri Rajendra Singh.
 4. MES. No.432389, Shri Mohan FGM. Son of Dalan Singh.
 5. MES. No.452663, K.C. Gupta, FGM. Son of Shri Raja Ram Gupta.
 6. MES. No.454813, Shiv Narayan Kureel, FGM. Son of Shri Chaitu Ram.
- All are working in the office of GE, MES. AF. Chakeri, Kanpur Nagar.

....Applicants.

(By Advocate : Shri A.K. Pandey)

Versus

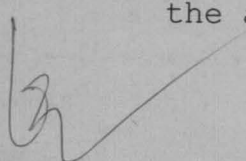
1. The Union of India,
Through Secretary,
Ministry of Defence,
New Delhi.
2. Engineer-in-Chief,
Army Head Quarters,
New Delhi.
3. Chief Engineer,
Central Command, Lucknow.
4. Commonder Works Engineer,
Air Force Chakeri,
Kanpur Nagar.
5. Garrison Engineer, MES. Air Force Chakeri,
Kanpur Nagar.

....Respondents.

(By Advocate : Shri S. Singh)

O R D E R

This application is disposed of on the basis of the an order passed by the DOPT which provides for



the concession as prayed for by the applicant. The said letter is reproduced hereunder:-

" 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 preformed in private buses or buses hired or chartered 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 outside 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.

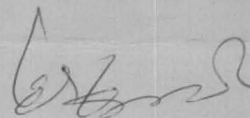
2. The above instructions will be applicable as and when OM dated 2.3.2001 suspending LTC facility is withdrawn. The cases of exempted retiring employees and pending cases where decision is yet to be taken may be decided in the light of instructions laid down in para 1 above. However the past cases decided otherwise need not be proponed.

Sd/-
(V.A. Pillol)
Under Secretary to the
Govt. of India."

2. Briefly stated, the applicants undertook LTC in a private bus engaged by the State Tourism Development Corporation on 27th June, 1998 and thereafter, while there was a bar for reimbursement of the LTC amount if such a travel in the private bus was undertaken, vide order dated 9-2-1998, which circular in fact was received by the fifth respondents' officer (where the applicants were serving) only on 2nd July, 1998. As such, all the applicants were denied of their LTC claim and advance paid to the applicants were recovered. Hence the O.A.

3. The above restriction was reviewed by the Department of Personnel and Training in June, 2002 consequent to which an order allowing such claims (if not already closed) was passed. Para 1 above refers.

4 In view of the above, the OA succeeds. The respondents are directed to process the LTC claim of the applicants on the basis of the order of the DOPT and settle the claim of the applicants within a period of six months from the date of communication of this order. No cost.



Member-J

Manish/-