

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

Allahabad this the 04th day of August, 2005

Original Application No. 31 of 2005

HON'BLE MRS. MEERA CHHIBBER, MEMBER- J.

Ganesh Prasad Verma, aged about 64 years, S/o late
Ganga Deen Verma, R/o H.No. 43/118 Nariyal Bazar,
Chowk, Sarafa, Kanpur.

.....Applicant

Counsel for the applicant :- Sri R.K.Shukla.

V E R S U S

1. Union of India through Secretary,
Ministry of Defence, Department of Defence
Production & Supplies, Government of India,
New Delhi.
2. The Addl. D.G.O.F, Ordnance Equipment
Factories Group Hqrs, Ayudh Upaskar Bhawan,
G.T. Road, Kanpur.
3. The General Manager, Ordnance Parachute
Factory, Napier Road, Kanpur.

.....Respondents

Counsel for the Respondents :- Sri Saumitra Singh

O R D E R

By this O.A., applicant has sought a direction
to the respondents to refund the entire amount of
Rs. 24,260/- (including penal interest) and also pay
the balance of 20% outstanding of advance money of
LTC pursuant to the judgment and order passed by
this Court on 27.11.2000 in O.A. no. 569 of 1999.



2. In O.A. no. 569 of 1999, applicant had challenged the order dated 24.4.999 whereby order of recovery of Rs. 24260/- was made on the ground that journey was undertaken by Nagaland Bus, has been cancelled. The said order was quashed. It is stated by applicant that in spite of said order, the amount has not been returned back to him till date, nor has he been paid balance amount of 20% spent by him in undertaking the journey.

3. The respondents have not at all opposed this O.A. On the contrary, they have filed Short C.A. They have submitted that pursuant to the order dated 27.11.2000, respondents have prepared the recovered LTC amount of the applicant and forwarded the same by hand to the Principal Controller of Accounts vide Factory letter dated 30.3.2005 for approval. They have further submitted in para 7 thereof that respondents have given assurance to applicant that the amount which had already been deducted from his salary, will be paid to him at the earliest. They have also apologized ^{for delay} in implementing the directions given by this Court. They have also annexed letter dated 30.3.2005 to show their bonafides and prayed that since they have already proposed the bill for returning the same, this O.A. may be dismissed.



4. Counsel for applicant on the other hand pointed out that letter dated 30.3.2005, ^{in R} ~~are R~~ respondents only talking about the amount of Rs. 21390/- plus Rs.2870 penal interest, which comes to Rs. 24260/-, but no bill has been prepared for balance 20% of the amount spent by him in undertaking the journey. These kind of matters have already been decided, ^{In} such cases where applicant had undertaken the journey with permission of the office before they got OM issued by Government of India wherein certain restrictions were imposed. This Tribunal had already given directions to respondents that in such cases, entire amount should be paid to applicant as no change in the policy, unless it is brought to the notice of ^{against R} the person concerned ~~cannot~~ be used ^{also R} any individual. In the instant case, from letter dated 30.3.05, it is clear that not only the applicant, but others also had taken 80% advance of the estimated amount spent in the journey from Kanpur to Kanyakumari. From letter dated 30.3.05, it is ^{also R} clear that respondents have raised the bill only for returning the amount of Rs. 24260/-, ^{which was recovered from} applicant's alary i.e. 80% of the amount plus penal interest. It is clear from the said letter that no bill has been raised for balance of 20%. Therefore, while it is expected and trusted that respondents shall now return the amount to applicant within a reasonable period, in any case not later than three months from the date of receipt of a copy of this

order. They shall also raise the bill for balance 20% if applicant ~~has been~~ ^{is} able to satisfy the respondents that the amount mentioned in letter dated 30.3.05 is not full amount, but only 80% plus penal interest.

5. With the above directions, O.A. stands disposed off with no order as to costs.

*D
4/8/05*
MEMBER-J

Girish/-