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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration (C.A.) No. 301 of 1986.

K.P.Saxena

..... applicant.

versus

The General Manager, Telephone

The Mall Road, Kanpur

.. Respondent.

Hon'ble D.S.Misra, A.M.

Hon'ble G.S.Sharma, J.M.

(Delivered by Hon'ble D.S.Misra)

This is an application under
Section 19 of the Administrative Tribunals
Act XIII of 1985, against the order dated
14.10.1985 passed by General Manager (Telephone
Kanpur (respondent) deducting a sum of
Rs.3880/- from the gratuity amount, admissible
to the applicant, on his retirement.

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2. Admittedly the applicant, ~~who~~ while
working as Supervisor at Telephone Exchange
Lajpat Nagar, Kanpur obtained LTC advance
of Rs.3880/- on 5.10.1981 for himself and
his family members. The applicant submitted
a claim for rest of 20 per cent LTC advance
on 14th June, 1982 along with certain papers

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2. Admittedly the applicant, who while working as Supervisor at Telephone Exchange Lajpat Nagar, Kanpur obtained LTC advance of Rs.3880/- on 5.10.1981 for himself and his family members. The applicant submitted a claim for rest of 20 per cent LTC advance on 14th June, 1982 along with certain papers

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in support of the performance of the journey. The matter remained pending from from November 1981 to October, 1985 and the applicant was informed vide letter dated 14.10.1985 that the bill of LTC advance submitted by him was not genuine and action for recovery of advance, given to him, had been taken. ~~xxx~~ The applicant has challenged the recovery order passed by the respondent and has prayed for setting aside the order dated 14.10.1985 (copy annexure 1 to the application) and directing the respondent to repay the amount deducted from the gratuity fund vide order dated 5.11.1985 along with interest permissible under law and a further direction to the respondents to pay the rest of 20 per cent of LTC advance amounting to Rs.970/-.

3. We have heard the arguments of the learned counsel for the parties and have carefully perused the documents on record. It has been contended on behalf of the applicant that the decision of the respondents holding that the bill submitted by the applicant was not genuine is an illegal decision and that such a decision could not be taken after a gap of 4 years from the date of the payment of advance. It is alleged that since the day, the applicant submitted the

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details of the bill, the authorities concerned remained silent and no notice or objection with regard to the said LTC bill was ever given to the applicant for confirmation of the bill, in question. The claim is contested by the respondent who has given details of the action taken by them in verifying the genuineness of the receipts submitted by the applicant in support of the claim. It is also stated that a bonafide doubt about the genuineness of these receipts arose on perusal of receipt no. 2235 bearing the date of 15th October, and receipt no. 6785 bearing the date of 12th October. The respondent has filed copy of communication dated 11.8.1986, received from Executive Officer Kanya Kumari (annexure C.A.-2A) in which it is stated that no receipt no. 7502 dated 12.10.1981 regarding entry of Bus No. NLK 7502 within Kanya Kumari Township was issued by them. The abovementioned receipt pertains to the certificate issued by M/s Punia Travels, who had granted the receipt dated ¹²12.10.1981 for the payment received from the applicant for the journey performed by ^{him} ~~WHICH~~ and 5 other members of his family between 3.10.1981 and 20.10.1981 from Kanpur to Kanya Kumari and back. The respondent has stated that the claim of the applicant having been found bogus, the

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~~made~~ recovery of L.T.C. advance of Rs. 3880/- plus penal interest at the rate of Rs. 10% amounting to Rs. 1,518/- from the death cum retirement gratuity of the applicant ^{was ordered} on 5th November, 1985 as the applicant retired on 31st August, 1985. It is also stated by the respondent that the applicant had submitted his LTC claim on 14th January, 1982 and the notice for recovery of the same was given to the applicant vide letter dated 14th October, 1985 and the four years' time is to be calculated w.e.f. the date of submission of the claim and not from the date of advance paid to the applicant.

4. We have considered the matter and we are of the opinion that the action of the respondents in scrutinizing the claim of the applicant was in accordance with the rules on the subject ^{was within their power} and there is no illegality or irregularity in this regard. We also find that the time taken in taking a decision can not be termed as being undue or deliberate delay as the respondents had to get information from various agencies situated far away from the office of the respondent. The respondents appear to have taken a lenient view in the matter by

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ordering^{only} recovery of the due amount and not resorting to disciplinary action under CCA (CCS) Rules 1965.

For the reasons, mentioned above, we are of the opinion that there is no merit in the case of the applicant and the application is dismissed without any order as to costs.

Sharma
29.2.88
A.M.

Sharma
29/2/88
J.M.

JS- 29.2.1988