

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

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Original Application No. 279 of 1988

Vinaya Kumar

Applicant

versus
Union of India & others

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

1. By means of this application the applicant has prayed for quashing ^{of} the impugned order dated 31.7.84 by which the L.T.C. claim of the applicant has been rejected and the amount has been order to be recovered from the applicant. The applicant was Postal Assistant in the Post & Telegraph Department in the year 1977. For claiming L.T.C. in the year 1978-1981 he was paid amount of Rs. 5000/- as L.T.C. advance. He submitted his bills for ^{period} 11.6.1982 to 26.6.82. The grievance of the applicant is that after two years without issuing any show-cause notice or any opportunity the L.T.C. of the applicant was rejected and order of recovery was made ^{merely} on the ground that he did not perform the journey by the Charter Bus approved by the Ministry of Tourism ~~was~~ contained in the Ministry of Finance OM dated 3.11.82. The applicant has challenged the order on the ground that the Memo dated 3.11.92 was not connected to the applicant and he was not given any opportunity, the bills of ~~other~~ other persons similarly placed have been passed because the applicant performed the journey much before the circular dated 14.3.83 on which ~~date~~ date the circular dated 3.11.82 was circulated in the Department. The applicant made a representation to the Director of Postal Service vide letter dated 3.7.87. without making any inquiry as such or without assigning any reasons ~~adjust~~. The applicant L.T.C. claim was false and order for the recovery of amount with panel interest and disciplinary proceeding under rule 14 of C.S.S. (C.S.A rule 1965) were also directed

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to be inititated.

2. The respondents have opposed the applicant's claim by filing counter affidavit. They have stated that the applicant claimed ~~an~~ L.T.C. advance for 6 family members by Gulab Travels, 1092-A, Kalyani Devi, Allahabad. He submitted ~~an~~ the cash receipt dated 3.5.82 for Rs. 6750/- about fair for journey from Jaunpur to Kanyakumari for 6 tickets. The applicant claimed his journey from 1.6.82 to 26.6.82, while the certificate issued by Gulab Travels shows ~~that~~ the journey from 10.6.82 to 25.6.82. The applicant's brother Shri K. Kumar did not perform the journey and the applicant did not inform ~~the~~ the competent authority before or on the date of commencement of the journey about this ~~an~~ inquiry. The applicant stated that the Mother, Wife and ~~an~~ sister and ~~an~~ two children performed ~~the~~ the journey and the applicant was ~~an~~ leave during the months of June and July, during the course of the Inquiry. The mother of the applicant stated that ~~she~~ only she, Daughter-in-law and grand son aged about 6 years had gone to Kanyakumari and that the sister of the applicant had not gone ~~with~~ ~~an~~ her. On these grounds the claim of the applicant, according to the respondents was rejected.

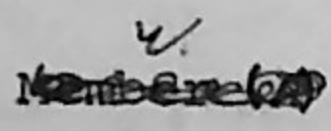
3. The applicant preferred the appeal against the order dated 31.7.84 which was rejected vide order dated 3.8.87 and action, in taking disciplinary proceeding was recommended, for submission of appeals claims, and as such order for recovery were issued. There is no provisions for issuing show-cause notice.

4. From the facts it is clear that the applicant did not perform journey and information of the same was given to the Department. Merely because the applicant has not travelled by ~~an~~ charter Bus, is no ground for rejecting the claim of the applicant. Merely the action taken by the respondents is not in conformity with law. As the applicants has also claimed

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the respondents we directed to make half recovery ~~of Rs 1000/-~~ from the applicant. The application stands disposed of with the above ~~the above~~ observation. No order as to costs.


Vice-Chairman


Member (20)

Allahabad

Dated 7.4.93

(g.s.)