

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

AZ
7

O.A. No: 878 of 1990

T.A. No: of 199

DATE OF DECISION: 21-4-93

Prem Narain Chaurasiya ----- PETITIONER.

----- ADVOCATE FOR THE
PETITIONER

V E R S U S

Union of India & others. ----- RESPONDENTS

----- ADVOCATES FOR THE
RESPONDENTS

CORAM:-

The Hon'ble Mr. A.K.Sinha, Member-B

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether to be circulated to all other Benches?

JAYANTI/

U
SIGNATURE
21/4/93

(7) Ar
2

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 878 of 1990

Prem Narain Chaurasiya ***** Applicants.

Versus

Union of India & others ***** Respondents.

Hon'ble Mr. A.K.Sinha, Member-J

Shri Prem Narain Chaurasiya has, by filing this application under Section 19 of the Central Administrative Tribunal's Act, 1985, prayed that the impugned order dated 4.2.1986 (Annexure, A-1) and dated 3.10.1989 (wrongly stated as 30.10.1989), Annexure, A-2 of compilation No. 1 respectively whereby the claim of the applicant in respect of his Leave Travelling Concession Bill for Rs. 3,300/- besides interest was rejected by the respondents be quashed and the respondents be directed to make payment of Rs. 6,650/- (the amount of L.T.C. claim+interest thereon) at N.S.C. rate.

2. The short facts giving rise to this application are as follows.:

Applicant had travelled with his family from Maoranipur to Trivendrum by Bus No. URY-315 in the month of June, 1984 in respect of which he had claimed L.T.C. Rs. 3,300/- only and submitted his Bill to the respondent No. 3 on 28.7.1984 within time supported by various documents, the details of which are mentioned in para 2 of the application. The applicant, admittedly, was paid advance of Rs. 2,666/- only for the said L.T.C. journey. The applicant

(8)

2/3

with his family members performed journey as per schedule and submitted his Bill but, unfortunately, the respondent No. 3 rejected his claim by the impugned letter dated 4.2.1986 and directed for recovery of the advance money together with interest and in pursuance thereof the advance amount of the L.T.C. was recovered with panel interest. The applicant preferred an appeal before the respondent No. 2 who by his Impugned order, Annexure, A-2 dated 3.10.1989 (wrongly stated as 30.10.1989), rejected the appeal, hence this application for the above reliefs.

3. The contention of the learned counsel for the applicant is that the claim of the applicant is based on valid grounds inasmuch as he actually travelled ^{and} filed relevant documents in proof thereof, but, still without assigning any reason, the respondents have arbitrarily and capriciously with malafide intention rejected the claim of the applicant.

4. The respondents appeared, on notices, and filed Counter Affidavit repudiating the allegations stating inter alia that as per requirements of the provision of the Rules in this regard the applicant did not furnish correct information regarding journey undertaken and, therefore, there was doubt as regards journey undertaken and, as such, his claim was rejected.

4

(9)

A2
4

5. It was submitted that the applicant and his family were said to have performed journey under L.T.C. for the block year, 1982-83 and was paid advance of Rs. 2,660/- and as per his statement he started for journey on 1.6.1984 by Bus No. URY 315 and returned on 22.6.1984 and thereafter submitted his Bill on 22.9.1984 accompanying a photo copy of special permit No. 91 dated 30.5.1984 which was valid up to June, 1984 issued by the R.T.O. Jhansi for Bus No. URY 315. It was further submitted that the documents filed by the applicant in support of his claim were not attested by the applicant and passenger list duly verified by the R.T.O. was not attached and, as such, the Bill was returned on 15.11.1984 for supplying the omissions. The applicant again submitted his Bill on 9.1.1985 with the statement that the Bus owner did not supply the copy of passenger's list.

6. It was submitted by the learned counsel for the respondents that since the requirements were not made good and the proof of journey was considered to be doubtful, enquiries were made from R.T.O. Jhansi and one B.N. Ahirwar, S.D.O, Jhansi in whose place the applicant was said to have performed journey by the said Bus and since the R.T.O. refused to verify the genuineness and the said S.D.O. denied to have give in writing his statement in this regard, but, verbally stated that he had travelled by the said Bus, the appeal of the applicant was rejected on 9.9.1989.

4

(16)

22
15

7. The applicant has also filed his Rejoinder Reply reiterating his stand and contended that he had actually undertaken the journey with his family availing the L.T.C. and submitted his Bill in time before the Competent Authority, the respondents, along with all the documents in proof of his L.T.C. journey and that without any valid reason the respondents have rejected his claim.

8. The question for consideration is whether the applicant is entitled to the relief claimed:

9. It is to be noticed that admittedly the applicant was paid advance of Rs. 2,660/- for L.T.C. tour from Maoranipur to Trivendrum from the block year 1982-84. The applicant travelled by Omni-Bus No. URY-315 in June, 1984 and returned on 22.6.1984 and submitted his final Bill on 12.7.1984 which was forwarded to the Post Master Jhansi vide letter No. E-12 L.T.C/84/85 on 28.7.1984 for favour of verification.

10. Annexure-1 to the Rejoinder filed by the applicant is the photo copy of the receipt of his Bill which, on perusal, would show that his L.T.C. Bill was received on 20.7.1984 and it was forwarded to Post Master Jhansi on 28.7.1984 for favour of verification and allowance and further disposal. This fact is also mentioned in Annexure 2 which is a photo copy of the Sub Post Master dated 20.9.1984. Annexure, A-3 of the Rejoinder

(11)

A2
6

filed by the applicant dated 31.5.1984 would show on perusal that sanction for Rs. 2,660/- as L.T.C. advance was granted to the applicant by the respondents.

11. Taking into consideration these material facts which are not in dispute, it is obviously clear that the applicant was sanctioned L.T.C. advance on 31.5.1984 and the applicant after performance of his journey from Maurenipur to Trivendrum in the month of June, he returned and submitted his Bill on 12.7.1984.

12. The fact that the applicant had travelled from Maurenipur to Trivendrum in the month of June, 1984 is borne out from the photo copy of the certificate granted by the transport owner of Bus No. URY-315 which is Annexure-1 to the compilation No. 2, which on perusal would show that the owner of the transport namely Rasulan Begum had certified in unequivocal term that the applicant and his family had travelled by her transport in the month of June, 1984 from Maurenipur and the fact, applicant and his family reached Trivendrum on 18.6.1984 is proved by the fact that the hotel owner, where the applicant and his family had stayed given certificate to that effect that they had stayed in the said hotel in room No. 116 and this fact is borne out from Annexure-2 as also CA-1 of the Counter filed by the respondents

13. It is true that the certificate issued by the transport owner was dated 5.1.1985 but nevertheless the owner had certified that the applicant and his

(P)

A2
7

family had travelled in her transport in the month of June, 1984. That apart, the applicant had also sworn an affidavit, the copy of which he has filed as Annexure-4 to his Rejoinder, wherein, he had clearly stated on oath before the Competent Authority that he had travelled from Maurenipur to Trivendrum in the month of June, 1984 along with his family.

14. On a consideration of these material facts there cannot be any doubt that the applicant and his family did not travelled in bus No. URY-315 in the month of June, 1984 and they had gone to Trivendrum where they had stayed in hotel in room No. 116 on 18.6.1984. It is also clearly established and proved beyond all shadow of doubt that the applicant on his return from L.T.C. had submitted his Bill to the Authorities concerned in time and that due to certain correspondence between the applicant and the respondents seeking certain clarification there was delay which was not due to the ^{on} latches, _{by} the part of the applicant. The required informations were placed before the Authorities concerned, i.e. respondents, who took adverse decision against the applicant in-as-much as his L.T.C. Bill was finally rejected vide Annexure-1 and 2 of compilation No. 1.

15. The applicant, as it appears from his averments and the documents filed, had enclosed with his L.T.C. claim Bill the following documents:

4

(13)

52
8

(i) Photostat copy of the permit of Bus No. URY-315.

(ii) Photostat copy of the tourist list.

(iii) Original certificate issued by the owner of Bus No. URY-315.

(iv) Hotel Bill No. 5407 dated 18.6.1984 of Rajdhani Tourist Home Ford Hotel which bears signature of the applicant.

(v) Receipt of Bus Fare etc.

16. Where, therefore, the applicant had submitted along with his Bill all that was required of him to produce as proof for the journey undertaken by him for his L.T.C. advance, the respondents should have considered and ^{according} without expressing any doubt pass the Bill to the provisions of the Rules.

17. Order No. 56 UM No. F 31011/11/79-Estt (A) dated 6.3.1981 is a Government order regarding the determination of genuineness of claim regarding L.T.C. lays down a guideline for the Controlling Authority to determine the genuineness of the claim preferred by the Government employee. Paragraph 4 of the said letter reads as follows:-

"As regards the satisfaction of the controlling authority regarding the genuineness of the claim in the absence of cash receipts, the controlling authority can satisfy itself by verifying the claim with reference to the evidence ~~act~~ usually produced by the Government servant in support of his claim. If the

(14) 12

Controlling Authority has any reason to doubt the genuineness of the evidence produced by the Govt. servant in support of his claim, it can asked the Govt. servant to produce such oth r evidence as may be considered necessary to substantiate his claim. If the Controlling Authority is still not satisfied about the genuineness of the claim, it is open to reject it."

18. It is true that under the above quoted Rule the Controlling Authority has got to be satisfied as regards the genuineness of the claim preferred by the Govt. employee and that satisfaction of the Controlling Officer is ~~his subjective~~ satisfaction on objective consideration and if the Controlling Authority is still not satisfied about the genuineness of the claim it is open to him to reject it but, in my opinion, before so doing, he must have to assign reasons therefor for so doing.

19. It is an established principle of natural justice that where an Administrative Authority whether exercising executive function or quasi judicial function passing any order against an employee, he should give sufficient - clear and explicit reasons in support of his order. On perusal of the impugned orders Annexure A-1 dated 4.2.1986 and Annexure A-2 dated 3.10.9189 (wrongly stated as 30.10.1989), it ~~will~~ be seen that the orders are pithy and non-speaking and as such ~~are~~ bad in law and cannot be sustained in the eye of law.

20. So taking into consideration the contentions of the learned counsels of the parties and considering the peculiar facts and circumstances of this case,

(S)

10

it is obviously clear that the impugned orders passed by the respondents are not in accordance with law and the spirit of the guidelines given in Govt. order No. 56 dated 6.3.1981 of the L.T.C Rules because without assigning any reasons as to why the evidence produced by the applicant in support of his claim for L.T.C. Bill was rejected as doubtful, the impugned orders cannot be sustained in the eye of law.

21. In that view of the matter, the impugned orders contained in Annexure A-1 and A-2 are hereby set aside and the respondents are directed to consider the matter of sanctioning the L.T.C T.A. Bill submitted by the applicant on 12.7.1984 which was forwarded to the Post Master Jhansi on 28.7.1984 for favour of varification of payment and allowance and further disposal etc. after due enquiry into the matter by associating the applicant and pass orders in accordance with law within a period of three months from the date of the receipt of this order. In the circumstances there will be no order as to cost.

Aswani Kumar Singh

Member-J
21/4/93

Allahabad Dated: 21. 4. 93

(jw)