

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

O.A. No. 1. O.A. 987 1990
I.A. No. 2. 834 of 1990

DATE OF DECISION April 12, 1991

1. Murlidhar Petitioners

2. Rama Shanker Saxena

Shri R.R. Shukla Advocate for the Petitioner(s)

Versus

Union of India and ors Respondent

Shri K.C. Sinha Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. D.K. Agrawal, J.M.

The Hon'ble Mr. A.B. Gorthi, A.M.

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

.....

Ghanshyam/

D.K. Agrawal

(9) (11)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

....

Registration¹ O.A. No. 987 of 1990
Murlidhar ... Applicant

vs

Union of India and ors.. Respondents

2. O.A. No. 834 of 1990

Rama Shanker Saxena ... Applicant

vs

Union of India and ors... Respondents

Hon 'ble Mr D.K. Agrawal, J.M.

Hon 'ble Mr A.B. Gorthi, A.M.

(By Hon 'ble Mr D.K. Agrawal, J.M.)

The above two applications are being disposed of by one common judgment because the question of facts and law involved is the identical in both the cases.

2. The facts are that the applicant¹ namely, Murlidhar and Rama Shanker Saxena being employees of Postal Department availed of Leave Travell¹ Concession from their place of posting to Kanya Kumari and back. In this connection both of them were sanctioned advance. After the journey was performed, they submitted the bill¹ which were passed after due process, as early as, in April, 1990. By the impugned orders dated 24-7-90 and 14-9-1990 the claim for L.T.C. was rejected and applicants were directed to refund the amount. Recovery was started. The applicant's approached the Tribunal and obtained stay order for further recovery.

3. After the pleadings were complete, learned counsel for the parties were heard. The only question
Decided

involved is as to whether once the L.T.C. bill was sanctioned and the balance amount was paid to the applicants after adjustment of advance already taken, the rejection of L.T.C. claim on the basis of inquiry behind the back of the applicant can be sustained in law. The competent authority, it is said, has come to a conclusion that the applicants did not travel to Kanyakumari by the chartered bus as alleged by them. It may or may ^{not} be so. The question is whether an opportunity should have been afforded to the applicants to contest the information furnished by some out side agency to the competent authority about the falsity of the L.T.C. claim. Again the same question arises as to whether the fairness in action required that the applicants should have been heard before an order was passed against them. Admittedly, the applicants were not given any opportunity to have their say in the matter. The investigation was done by the competent authority behind the back of the applicants and on the basis of the same, they reached a conclusion that the L.T.C. claim was false. We need not dilate on this point in details. The decision in the case of Munshi Khan vs. Union of India and ors. 1991 A.T.C. Vol. 15 page 550 clearly lays down that an order rejecting the claim of L.T.C. without any opportunity to the applicants is bad in law. Consequently, it need not detain ^{us} any further. We hereby hold that the impugned orders dated 24-7-90 and 14-9-1990 are bad in law. The same are liable to be quashed. Its result would be that the applicants would be entitled to ^{get} refund of the amount already recovered from them forthwith. However, we make it very clear that the

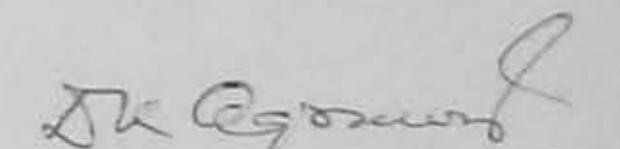
DK Aggarwal

③

competent authority will not be precluded to hold an inquiry or even institute disciplinary proceedings, if warranted by law and pass suitable orders according to Rules thereof.

4. In the result, we hereby allow both the applicants. The impugned orders dated 24-7-90 and 14-9-90 are hereby quashed. The amounts recovered under the said impugned orders shall be refunded to the applicants forthwith. The Competent Authority shall, however, be at liberty to make an inquiry or draw disciplinary proceedings as it likes, in the light of above observations made in the body of the judgment. Parties are left to bear their costs.


MEMBER (A)


MEMBER (J) 12.4.91

(sns)

April 12, 1991.

Allahabad.