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THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

Original Application No. 288 of 1993

Bhola Nath Dubey ... Applicant

versus

Union of India and others ... Respondents

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HON'BLE MR MAHARAJDIN, MEMBER-J

The applicant has sought the relief for quashing the impugned order of deduction passed by respondent No.4 (Annexure A-1) praying for issuing direction to the respondents to make payment of interest on the delayed payment of retiral benefits and refund the unauthorised deduction of L.T.C. advance and C.S.R. from gratuity.

The applicant was serving as Sub Post Master Kannauj and he retired on superanuation on 31-07-89 whereas the retiral benefits were paid to the applicant on 07-12-89. Thus five months delay in payment of retiral benefits was caused. It is stated that recovery of Rs.4,732=40 paise was made from the gratuity on account of L.T.C. advance availed in the year 1982 and penal interest upto the date of retirement amounting to Rs.3,302=90 paise, cycle advance Rs.157=00, festival advance Rs.160=00 and C.S.R. Rs.1,112=00. The applicant made representation against the deductions made from gratuity which was rejected (Annexure A-2). A lumpsum amount of Rs.4,732=40 p. was deducted from the gratuity (Annexure A-4). On 01-02-93 the applicant received an endorsement copy of letter addressed

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to Post Master Fatehgarh ordering of deduction of
Rs.700/- from the applicant's monthly pension (Annexure A-1).

The respondents filed Counter Affidavit and resisted the claim of the applicant inter alia on the ground that L.T.C. advance of Rs.2,839=00 was sanctioned to the applicant vide application dated 29-05-82, but when he submitted L.T.C. claim for Rs.2,596=45 it was noticed that at many places in L.T.C. bill he claimed road mileage which was not admissible and had to be deducted from the L.T.C. bill. The applicant was granted L.T.C. advance to travel by I Class Railway ticket but his family members actually travelled in II Class. Accordingly his L.T.C. bill was passed for Rs.1,159=50 only. Thus the applicant did not utilize the advance for justified purpose. Immediately after completion of return journey, the applicant did not credit surplus amount of L.T.C. advance which is mis-use of Government money and the applicant was liable to pay interest thereon. A sum of Rs.400/- was paid to the applicant as the amount of cycle advance in the month of March 1988 out of which Rs.157=50 was outstanding which was credited by the applicant on 07-12-89. The festival advance of Rs.400=00 was paid to the applicant in January 1989, out of which Rs.160=00 remained outstanding on the date of his retirement, hence it was credited by the retiree on 17-12-89.

The Branch Manager, U.P. Postal Co-operative Society Kanpur intimated recovery of rupees six thousand one hundred twelve of C.S.R. against the applicant. Out of above cited dues a

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sum of Rs.1,112=00 was received by the applicant and credited to Co-operative Society Kanpur. The C.S.R. recovery for a sum of Rs.5,000/- remained still outstanding against the applicant which was recovered from D.A.R. of the pensioner at the rate of Rs.700/- per month. It is stated that the recovery had not been made from the amount of pension, but it has been made from D.A.R.. The provisional pension was already issued vide letter dated 20-07-89 but the applicant declined to receive the payment. The delay in payment of D.C.R.G. occurred on the part of the applicant. It is stated that all the dues mentioned in para 15 of the Counter Reply were recoverable from the applicant at the time of his retirement, hence the recoveries were ordered from the amount of D.C.R.G. of the applicant. For the payment of provisional pension as well as amount of D.C.R.G. order had already been issued on 20-07-89, but the applicant ^{Received}
declined to ~~make~~ the payment of D.C.R.G..

I have heard the learned counsel for the parties and perused the record.

The applicant in Rejoinder Affidavit has said that the entire route of Saraimiran to Kanya Kumary was

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not connected through rail, hence the journey was performed by road upto Kenya Kumari. The applicant was entitled to avail L.T.C. and ~~travelled~~ by I Class railway ticket, but as he performed the journey in II Class and partly by Bus, so L.T.C. adjustment bill was accordingly claimed for Rs.2,595=00. The applicant has asserted that he has not claimed the I Class railway fare as alleged by the respondents. The applicant has taken L.T.C. advance in the year 1982 and he submitted the bill for adjustment in the same year within the prescribed limit but the said L.T.C. adjustment bill was kept pending for about seven years till the date of retirement of the applicant. The respondents imposed interest on unutilized amount of L.T.C. advance. It is not disputed that L.T.C. adjustment bill was submitted in time, so the applicant was not at fault and as such he was not liable to pay any interest. If there was any discrepancy, the same should have been pointed out to the applicant well in time and asked him to deposit the money. The applicant was not allowed to claim the fare spent on road journey. The road journey performed in vehicle operated by Tourist Development Corporation in Public Sector, State Transport Corporation and Transport service run by

other Government or local body are admissible under the

rules. The respondents should have checked the L.T.C.

adjustment bill in this perspective. Similarly if the

journey was not performed by I Class and the journey was

performed in II Class, the applicant should have been

allowed²

allowed to make adjustment of L.T.C. advance to the extent

of actual expenses made by him in performing the journeys.

Thus the respondents should have checked the adjustment

bill submitted by the applicant in this perspective.

The applicant admittedly received Rs.400/-

towards cycle advance and Rs.157=50 paise including

interest was outstanding which was rightly credited by

the respondents and the applicant has also not disputed

this fact in his Rejoinder Affidavit. Similarly out

of Rs.400/- taken as festival advance, Rs.160/- was

outstanding and the same were rightly credited.

There was a recovery of C.S.R. against the applicant to which the applicant has denied. The respondents

have illegally ordered for recovery of the said amount in

instalment of Rs.700/- per month from the amount of pension

of the retiree. The amount of the pension cannot be cut

towards any recovery unless the applicant himself had given

Chm

consent. It is stated by the respondents that the deductions from the amount of D.A.R. of pension has been ordered to be made which is also illegal as D.A.R. cannot be deducted ^{from} on the amount of pension. Thus the order for deduction of C.S.R. is illegal and the same is liable to be set aside. The applicant has claimed interest on the delayed payment of D.C.R.G. for five months. I agree with the reply of the respondents that the delay was not caused on their part because it was caused due to prolong enquiries from the railway authorities as well as postal authorities.

In view of the discussions made above the application of the applicant is partly allowed and the order passed by respondent No.4 (Annexure A-1) is hereby quashed and the respondents are restrained from making any deduction from the monthly pension of the applicant. The respondents are, however, directed to re-check the L.T.C. adjustment bill in the light of observations made above and if any excess amount is deducted from the D.C.R.G. of the applicant, the same be refunded within a period of three months from the date of communication of this order.

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There will be no order as to cost.

Arvin
25.6.93
MEMBER-J

DATED: ALLAHABAD: JUNE 25th, 1993.
(VKS PS)
