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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

ORIGINAL APPLICATION NO. 1121 OF 1993.

Dated: this the 31st day of July, 1995.

Hon'ble Mr. T.L.Verma, J.M.

Raj Narain Tewari,

son of Late Sri Paras Nath Tewari,

r/o 106/125, K.L.Kydganj, Allahabad.

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APPLICANT

By Counsel Sri H.S.Srivastava.

Versus

1. The Union of India, through Secretary, Ministry of Defence (Finance), New Delhi.
2. Financial Advisor, Govt. of India, Ministry of Defence (Finance), ~~R.K.Puram~~, New Delhi.
3. ^{General} Controller of Defence Accounts, West Block-V, R.K.Puram, New Delhi.
4. Controller of Defence Accounts, Central Command, Meerut.
5. Controller of Defence Accounts, Lucknow.

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RESPONDENTS.

By Counsel Sri C.S Singh.

ORDER.

Hon'ble T.L.Verma, J.M.

The short question that falls for our consideration in this application is whether the Applicant is entitled for reimbursement of fare of his widow mother, wife and two children (sons) for the journey from Allahabad to Kanyakumari and back under the Leave Travel Concession claim.

2. The applicant was at the relevant time

posted as Upper Division Clerk in the Office of Controller of Defence Accounts, Central Command, Meerut. He is stated to have availed L.T.C. for the block year 1982-85 from Allahabad to Kanyakumari and back alongwith his widowed mother, wife and two sons. He left for Kanyakumari on 28.9.83 and returned on 13.10.83. Thereafter, he submitted his L.T.C. adjustment claim on 10.11.1983 for Rs.5,830/-. The adjustment claim was returned to L.A.O.(A), Allahabad vide letter No.AN/III-A/9002/LTC dated 20.3.84 seeking for certain information in prescribed proforma. The applicant thereafter resubmitted his L.T.C. adjustment claim alongwith the scholl certificate and other co-leteral evidence in support of the performance of the journey. The respondent, however, appear to have accepted the claim in respect of the applicant only vide order dated 18.10.1984. An appeal filed against the decision dated 18.10.1984 was rejected by the C.G.D.A. by order dated 26.10.92.

h 3. The claim of the applicant for reimbursement of the fare in respect of his widowed mother, wife and two sons has been rejected on the ground that they were not residing with applicant at his duty station. According to the applicant, this decision of the respondent is contrary to rules and instructions issued in that behalf from time to time. Hence this application for issuing a direction to the respondents to admit the L.T.C. claim in respect of the applicant's widowed mother, wife and two sons also from Allahabad to Kanyakumari and back.

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4. The respondents have resisted the claim of the applicant on the ground that the members of the family of the applicant were living at home town i.e. Ballia, which is away from the duty station and as such he was not entitled to re-imburement of fare for journey from Allahabad to Kanyakumari and back.
5. I have heard the learned counsel for the parties and perused the record. The Government of India has issued clarification regarding L.T.C. facilities to the families not residing with the Government servants vide order No. 31011/14/86-Est (A) dated 8.5.1987 (Annexure-A-20). From para 2 of the aforesaid O.M. it would appear that the Govt. has decided that in cases where the Government servant has left his/her spouse and the dependent children at place other than his/her Headquarters, he may be allowed Leave Travel Concession in respect of them from the place of their residence to home tour in a block of two years or any place in India in a block of 4 years, as the case may be, but, the reimbursement should in no case exceed the actual distance travelled by the family or the distance between the Headquarters/place of posting of Govt. Servant and the place of visited/home town, whichever is less. In the case of other members falling within the definition of "family" the existing condition and restrictions will continue to be in force.

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6. A plain reading of the instructions issued by the Govt. of India by way of clarification as mentioned above, make it abundantly clear that the family members of a Government servant who are not residing with him are also entitled to L.T.C. facilities in terms of para 2 of the instructions as contained in the O.M. Annexure-A-20. Admittedly, two sons of the applicant were residing in Ballia, where they were receiving their education. The applicant claims that his wife and widowed mother were residing with him. Further claim of the applicant is that his sons came to Allahabad from where they travelled to Kanyakumari and back. The applicant has claimed adjustment of the L.T.C. Bill against advance for journey from Allahabad to Kanyakumari and back. The learned counsel for the Respondents did not contravert the above assertion of the counsel for the applicant. In addition to the above, it has been admitted in para 9 of the C.A. that the family members of the applicant joined him at his Headquarters for commencing L.T.C. Journey. Even if it be assumed the dependent family members of the applicant, who are residing at Ballia and that they came to the duty Headquarters of the Applicant for commencing the L.T.C. then also they are entitled to the L.T.C. in terms of instructions referred to above.

7. In view of what has been stated above, I find that the impugned order, whereby the applicant's claim for L.T.C. for his widowed mother, wife and two sons has been rejected, contrary to Rule and as such, cannot sustain.

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8. In the result, this application is allowed and the impugned orders dated 18.10.1994 and 26.10.1992 are hereby quashed and the respondents are directed to consider afresh the L.T.C. claim of the applicant in the light of the instructions issued by the Government of India vide Annexure-A-20, within three months from the date of service of this order.

Parties will bear their own costs.

J.M.
J.M.

RBD/-