

Open Court

Central Administrative Tribunal,  
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 24th Day of April, 2000

Coram: Hon'ble Mr.S.K.I. Naqvi, J.M.  
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Original Application No. 1578 of 1994

A.K. Srivastava  
son of Late Sri Babu Ram Srivastava,  
T.No. 285/MEM, working as Mill Wrights H.S.II,  
Field Gun Factory,  
Kalpi Road, Kanpur,  
Resident of H.No. 192/2,  
Juhi Lal Colony,  
Kanpur.

. . . Applicant.

By Advocate Sri M.K. Upadhyaya, Adv.

Versus

1. The Union of India through Secretary,  
Ministry of Defence, Department of Defence Production,  
New Delhi.
2. The General Manager, Field Gun Factory,  
Kalpi Road, Kanpur.
3. Sri S.K.Beril, Dy. General Manager (Admin)  
Field Gun Factory, Kalpi Road, Kanpur.

. . . Respondents.

By Sri Ashok Mohiley, Adv.

Order ( Open Court)

(By Hon'ble Mr. S.K.I. Naqvi, J.M.)

The applicant Sri A.K. Srivastava while posted  
as Mill Wrights Grade H.S.-II, he was sanctioned

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L.T.C. for journey from Kanpur to Kanya Kumari and back and was sanctioned advance travelling allowance as well, to the tune of Rs.17100. After completing his journey under reference, he submitted his T.A. bill which was not accepted and order passed on 2.8.1994 which has been impugned and annexed as Annexure A-1 to the application. Being aggrieved of this order, the applicant has come up before the Tribunal for direction to the respondents that his L.T.C. claim be sanctioned and impugned order dated 2.8.94 be quashed.

2. The respondents have contested the case and filed counter reply in which the impugned order has been supported and it has been pleaded that since the applicant did not undertake the journey in accordance with rules and instructions <sup>in</sup> in this regard, his L.T.C. claim could not be sanctioned and the order <sup>advanced</sup> has been passed for refund of advance money for the purpose. In para 10 of the C.A. it has been clarified with the mention that in utter disregard to the instructions issued in the factory order, the petitioner manipulated to secure fictitious documents from Uttar Pradesh Tourism Department Corporation Ltd. and submitted to the factory management for L.T.C. <sup>to be</sup> paid to him. It has also been mentioned that in fact the petitioner and his family members did not travel




at all yet availed the facility of L.T.C. from Kanpur to Kanyakumari on paper only. As such false <sup>by</sup> or arranged price <sup>to</sup> U.P. Tourism Development Corporation Ltd. and fictitious documents are issued by them to regularise L.T.C. advance.

3. Heard the learned counsel for rival contesting parties and perused the record.

4. The pleadings on behalf of the respondents that the applicant never undertook the journey and claimed the L.T.C. through fictitious documents <sup>if it</sup> apparently not <sup>based</sup> passed on the evidence filed or referred with the record and therefore a claim can not be rejected only on surmises but there should be some acceptable ground for the same. At the same time it is also to be noticed that the impugned order <sup>only</sup> has <sup>advised</sup> to the applicant to submit the complete details of journey undertaken under this L.T.C. and also to show that he has complied with the order dated 29.4.94 as mentioned in this impugned order but instead of furnishing the complete documents and satisfying the authorities concerned that he has complied with departmental instructions and directions, he rushed to the Tribunal. It is nowhere in the pleadings on behalf of the applicant that after <sup>issue</sup> ~~issuing~~ of

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this impugned order he tried to satisfy the authorities concerned <sup>and</sup> that he actually undertook the journey as per directions in this regard and he has filed the requisite <sup>genuine</sup> documents in support of his contention. Under the facts and circumstances as narrated <sup>above</sup>, it is provided that the applicant shall move a representation before the respondents within one month of this order, mentioning therein the compliance of the rules and directions that he did in respect of L.T.C. in question and thereafter the competent authority shall dispose of the representation within two months by a detailed, speaking, reasoned order and till then the operation of impugned order, a copy of which has been annexed as Annexure A-1 shall remain stayed.

  
Member (J.)

M. Raza.