

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

DATED: THIS THE 17TH DAY OF OCTOBER, 1997

CORAM: SINGLE MEMBER BENCH OF HON'BLE MR.S.DAS GUPTA AM

ORIGINAL APPLICATION NO. 543/94

C/A Sri A.K.Malviya
Sri N.L.Pandey

Versus

1. The Union of India through its
Chief Controller, Govt. Opium and Alkaloid
Factories, 10-C Harion Colony, Morar,
GVALIOR (M.P.)
2. The General Manager,
Govt. Opium & Alkaloid Works Undertaking,
District : Ghazipur.

3. The Administrative Officer,
(L.T.C. Controlling Officer)
Govt. Opium & Alkaloid Factories
Ghazipur - - -

- RESPONDENTS

C/R Km. Sadhna Srivastava

ORDER

By Hon'ble Mr. S. Das Gupta A.M.

The applicant in this O.A. filed under section 19 of the Administrative Tribunals Act, 1985 is aggrieved by the order dated 8.6.1990 by which

the applicant was directed to refund in lump sum L.T.C. advance amounting to Rs.6,105/- and also the order dated 27.2.1991 by which the appeal against the earlier order was rejected.

2. The applicant was granted a sum of Rs.6,105/- as LT.C. advance on his application for availing L.T.C. He was also granted leave from 16.1.1989 to 27.1.1989. The advance amount was paid to him on 6.1.1989. The applicant claims that he had paid a sum of Rs.6,400/- to U.P. State Tourism Development Corporation Ltd., Lucknow within 10 days of the receipt of the advance for obtaining reservation ticket but he was informed that the seats were not available for the commencement of journey on 16.1.1989 and that he was advised to avail travel commencing on 28.1.1989. The applicant's further case is that he applied for sanction of leave from 23.1.1989 but the same was refused on administrative ground. Subsequently he applied for sanction of leave w.e.f. 12.2.1989 to 24.2.1989 and during this period he availed of the L.T.C. and after completion of the journey, submitted his bill for the settlement of advance. It appears that at this stage the respondents felt doubt with regard to the genuineness of the journey performed by the applicant and the matter was investigated departmentally which included questioning of the applicant as regards the places he visited. The case of the respondents is that from the enquiry it appeared that the applicant had procured bogus tickets for the journey but had not actually undertaken the journey. They have accordingly passed the impugned order dated 8.6.1990 on various grounds.

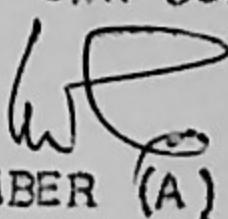
3. I heard the learned counsel for both the parties and perused the pleadings on record carefully.

W.L.

4. It would appear that the basic reason why the L.T.C. advance is being recovered from the applicant is that the respondents had doubt regarding the genuineness of the claim of the applicant and there is suspicion that he had not actually performed the journey. If that be so, the applicant not only has to refund the advance but also is liable to be proceeded departmentally for attempting to commit fraud. I am not, however, satisfied with the manner in which the respondents have come to the conclusion that the applicant had procured bogus tickets and submitted a false claim. It would appear that no enquiry has been conducted in so far as the issuance of the ticket is concerned. The applicant's specific averment is that he had purchased the tickets through the Travel Agent from the U.P. State Tourism Development Corporation. The learned Counsel for the applicant during the course of argument produced a copy of the O.M. dated 17.8.1987 issued by the Ministry of Personnel and Training in which it has been stipulated that when the journeys are performed by a Chartered bus either owned or hired by the I.T.D.C. and State Tourism Development Corporation, such journey would be admissible when tour is wholly conducted by ITDC/STDC but it should be clearly certified by the ITDC/STDC that the tour was actually conducted and performed by them and not by any other person. Keeping in view the instructions contained in the O.M., it is apparent that the enquiry should be made with the State Tourism Development Corporation as regards the genuineness of the tickets issued by them and whether the journey had been performed by the applicant or not. If the reply to this enquiry is in negative, the respondents were well in their right to take appropriate action including recovery of the advance of L.T.C.

W.L.

5. Inview of the foregoing, I direct that the respondents shall make proper enquiry with the State Tourism Development Corporation as regards the genuinness or otherwise of the tickets which the applicant claims to have been issued to him and also regarding the journey stated to have been performed. In case they certify that the tickets are genuine and the journey was also performed by the applicant on the tickets issued by them, the question as to whether the other omissions like non furnishing of information regarding ticket number within 10 days etc. shall be considered by the respondents within the frame work of the extant rules and appropriate decision may be taken on these points within the frame-work of the rules. Let this enquiry be completed within a period of two months from the date of communication of this order to the respondents. Further action as regards the refund of the advance to the applicant and settlement of L.T.C. bill will be taken in pursuance of the outcome of the enquiry. Parties shall bear their own costs.


MEMBER (A)

SQI