

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1438 of 1999

Allahabad this the 19th day of October, 2000

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

1. K.N. Misra, U.D.C., Storeholder, Stores.
2. Kamal Kishore, Rigger
3. D.K. Singh, C.M. Driver.
4. K.R. Srivastava, Wireman.
5. Chandarma Ram, Examiner.
6. Jagmohan Lal, Fitter, H.S.II
all employed at Small Arms
Factory, Kanpur.

Applicants

By Advocate Shri V.K. Barman

Versus

1. Union of India through Secy. Ministry of
Defence, New Delhi.
2. General Manager, Small Arms Factory, Kanpur.
3. Accounts Officer, Small Arms Factory, Kanpur.

Respondents

By Advocate Shri Amit Sthalekar

O R D E R

By Hon'ble Mr.S.K.I. Naqvi, Jud.Member

Six applicants have come up through this O.A. seeking relief to the effect that the impugned order dated 05.10.1999 be set aside and to direct the respondents not to make deduction as mentioned in the impugned order.

2. As per applicants' case, they are

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working in Small Arms Factory, Kanpur and were sanctioned L.T.C. for block year 1998-2001 and were also granted advance money. The applicants purchased bus tickets cum receipt issued by U.P. State Tourism Development Corporation ~~and~~ (for short U.P.S.T.D.C.) and have shown the tickets cum-receipt to the Officer, who further endorsed the same and did not raise any objection. The applicant undertook the journey accordingly and submitted their bills for adjustment of advance and payment of balance amount. This claim was refused by the respondents, as per impugned order, mainly on the ground that the applicants undertook the journey against the instructions in this regard and, therefore, not entitled to any L.T.C. claim and they were also directed to refund the amount paid to them as advance L.T.C. The applicants have assailed this order mainly on the ground that they have performed the journey through U.P.S.T.D.C. and they were never communicated with instructions as contained in letter dated 09.2.1998, therefore, this order cannot be come in the way of their claim.

3. The respondents have contested the case and filed counter.reply with the mention that the order dated 05.10.1999 directing the petitioners to deposite the amount of L.T.C.

with the respondents is perfectly legal and valid and is liable to be upheld because the applicants conducted the L.T.C. tour not in accordance with the directions in this regard and they travelled by the Bus, which was not owned by the State Tourism Department. The respondents have also pleaded that as per clear direction in this regard, the employees who have drawn the advance amount of L.T.C. for visiting the places declared by them are required to ^{produce} ~~furnish~~ the Bus/Railway tickets, within 10 days from the date of drawal of advance, to the Bill Section of the Factory, who will put a rubber seal on the tickets as per instructions, but the applicants have failed to comply with this direction. The respondents have also annexed the directions in this regard as annexures C.A.-1, C.A.-2, C.A.-3 and C.A.-4. Copy of temporary permit ~~of the temporary permit~~ of the Bus through which the applicants claim to have undertaken the journey, has also been filed to show that this Bus belongs to Shri Anil Kumar Awasthi and is not owned by U.P.S.T.D.C.

4. Heard, Shri V.K. Barman for the applicant and Shri Amit Sthalekar for the respondents. Perused the record.

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5. The applicants have put their claim on the ground that they actually undertook the journey as per their L.T.C. programme and obtained the ticket issued by U.P.S.T.D.C. this ticket was vetted by the authorities in the respondents establishment, and, therefore, they are entitled for their L.T.C. claim. It has also been pleaded on behalf of the applicants that the circular dated 09.2.1998 circulated through letter dated 15.4.1998 was never brought to their knowledge and, therefore, their claim cannot be rejected on the ground of non-compliance of provisions as contained in this circular. It has also been pointed out on behalf of the applicants that they did not undertake the journey in question through any private agency, but performed the journey under banner of establishment run^d by State of U.P., therefore, the genuineness of their journey and bonafides shall not be put under clouds. In reply to this submission, Shri Sthalekar pointed out that the bus through the applicants undertook the journey under this L.T.C. programme, was a privately owned bus for which temporary permit was obtained by its owner Shri Anil Kumar Awasthi without any mention that the bus is attached to U.P.S.T.D.C.. Learned counsel for the respondents also referred the circular dated 14.1.1998 through which the employees who proposed to undertake L.T.C. journey through a chartered bus, they

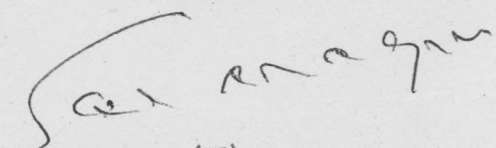
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shall mention the same in their application and also present tickets in the Bill Section prior to undertaking the proposed journey, but in the present case, the applicants have failed to comply this direction and therefore, on this ground also, their claim has rightly been rejected.

6. Considering the arguments placed from either side, it is found that the applicants have neither complied the directions as contained in Circular dated 09.2.1998, nor they discharged their obligation as per directions dated 14.1.1998, copy of which has been annexed as annexure C.A.-III. It is also quite evident from annexure C.A.-IV(a) that they travelled through privately owned bus and the temporary permit obtained, does not mention that the bus was attached to State Tourism Department. Under the circumstances, they cannot press to get their claim accepted by the respondents.

7. For the above, the O.A. is dismissed. However, it is provided that in view of the fact that it is not denied that the applicants did actually perform the journey in question and their claims have been rejected for non-compliance of the directions as contained in circular order dated 09.2.1998, circulated through letter dated 15.4.1998 and they started their journeys on 22.4.1998, the authorities in the department may re-consider the matter sympathetically. No order as to costs.

/M.M./
M./


Member (T)