

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 473 of 2000

Allahabad this the 3rd day of November, 2000

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

1. A.A. Ansari, aged about 59 years, S/o Late Sheikh Bechoo, Senior Store Superintendent (PA NO.17335), Headquarters Central Air Command(Unit) Air Force, Bamrauli, Allahabad.
2. Dineshwar Singh, aged about 41 years, S/o Late Tej Bahadur Singh, Upper Division Clerk(PA No.34199), Headquarters Central Air Command(Unit), Air Force, Bamrauli Allahabad.
3. Amar Singh, aged about 56 years, S/o Late Gajadhar Prasad, Office Superintendent(Admin) ( PA No.20284), HQ.Central Air Command(Unit), Air Force, Bamrauli, Allahabad.
4. Gyan Prakash , aged about 58 years, S/o Late Ram Autar, Senior Personal Assistant (PA No.28004), HQ Central Air Command(Unit) Air Force, Bamrauli, Allahabad.
5. Bhagirathi Singh, aged about 54 years, S/o Shri Chandrika Prasad Singh, Senior Personal Assistant(P.A.No.27034) HQ Central Air Command (Unit) Air Force, Bamrauli, Allahabad.
6. Umesh Chandra Tripathi, aged about 48 years, S/o Late R.N. Tripathi, Stenographer Grade II (P.A.No.28688) HQ.Central Air Command(Unit), Air Force, Bamrauli, Allahabad.
7. Un.N. Mishra, aged about 51 years, Son of Late Lakhan Lal Mishra, Stenographer Grade II

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(P.A.No.29041) HQ Central Air Command(Unit),  
Air Force, Bamrauli, Allahabad.

8. Shyam Singh, aged about 53 years, S/o Shri Sarup Singh, Lower Division Clerk(PA No.36883) HQ. Central Air Command(Unit), Air Force, Bamrauli, Allahabad.
9. N.N. Shukla, aged about 59 years, S/o Late Rameshwar Prasad, Assistant(PA No.20287) HQ. Central Air Command (Unit), Air Force, Bamrauli, Allahabad.
10. Abhay Raj Singh, aged about 37 years, S/o Shri R.P. Singh, Upper Division Clerk (PA No.35686), HQ Central Air Command(Unit) Air Force, Bamrauli, Allahabad.
11. Pradeep Kumar Singh, aged about 25 years, S/o Late R.C. Yadav, Lower Division Clerk (P.A.No.37843) HQ Central Air Command(Unit) Air Force, Bamrauli, Allahabad.
12. Mohar Ram, aged about 49 years, Son of Shri Ram Naresh , Upper Division Clerk(P.A.No.31944) HQ Central Air Command(Unit), Air Force, Bamrauli , Allahabad.
13. Mashooq Ahmed, aged about 48 years, S/o Late Azmat Ali, Upper Division Clerk(PA No.29088) HQ Central Air Command (Unit), Air Force, Bamrauli, Allahabad.
14. Moti Lal, aged about 59 years, Son of Late Munni Lal, Assistant(PA No.23075)HQ Central Air Command(Unit), Air Force, Bamrauli, Allahabad.

Applicants

By Advocate Shri R.C. Gupta

Versus

1. Union of India through Secretary, Department of Expenditure, Ministry of Defence, New Delhi.

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2. Air Headquarters (Vayu Bhawan), Rafi Marg, New Delhi.
3. The Controller of Defence Accounts (Air Force) 107, Rajpur Road, Behradun)
4. Air Officer Commanding-in-Chief, Headquarters Central Air Command, Indian Air Force, Bamrauli, Allahabad.
5. Air Officer Commanding, No.29 Wing, Air Force Station, Bamrauli, Allahabad.
6. Commanding Officer, Headquarters Central Air Command (Unit), Air Force, Bamrauli, Allahabad.
7. Manipur Tourism, Government of Manipur, C-7, State Emporium Complex, Baba Kharak Singh Marg, New Delhi -110001.

Respondents

By Advocate Shri R.C. Joshi

O R D E R

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

The applicants 14 in number have filed this O.A., seeking relief to the effect that the orders dated 16.3.2000 and 27.3.2000 (annexures no.1 and 2) be quashed and respondents be directed not to adopt any coercive method for implementation of these orders and continue to pay the salary of the applicants without any break or deduction and also to pay the interest at the rate of 24% over the remaining 20% amount for delayed payment of L.T.C. Annexure A.1 is for the recovery of amount paid to applicant on account of L.T.C. claim alongwith interest at the rate of 17% per annum and as per

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annexure A-2, there is direction that salary to these applicants be paid on general pay parade day subject to recovery of L.T.C. claim.

2. In short, the facts of the case are that the applicant-employees of Indian Air Force, applied for and were sanctioned L.T.C., <sup>to</sup> who undertake ~~took~~ the journey from Allahabad to Kanyakumari in groups on different dates between April, 1998 to June, 1998 and also were paid 80% as advance to their claim. After having availed the L.T.C. ~~claim~~, the applicant submitted their L.T.C. claim bills for adjustment of advanced amount and payment of remaining 20% of the L.T.C. and the same was finally paid in the month of May, 1999 without any interest thereon. It was on 16.3.2000, a routine order serial no.23 of 2000 was published asking the applicants to refund the L.T.C. claim amount with panel interest at the rate of 17% per annum, failing which the pay and allowances were to be restricted from the pay of March, 2000. Being aggrieved of this order, the applicant preferred several representations, but of no avail. Therefore, they have filed this O.A. before the Tribunal.

3. The respondents have contested the case and pleaded that since the petitioners travelled by the Buses hired by Manipur Tourism and not by the Buses owned by it, hence they are not entitled to L.T.C. claim preferred by them <sup>being</sup> against the

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provisions as laid down in Government of India, Ministry of Personnel and Public Grievances and Pension O.M. dated 09th February, 1998.

4. Heard, the learned counsel for the parties and perused the record.

5. Shri R.C. Gupta, learned counsel for the applicants started his argument with very peculiar mention that he is pressing the O.A. only for applicant no.1-A.A. Ansari and applicant no.5-Shri Bhagirathi Singh, and does not press the relief for rest of the applicants as they did not contact him for direction at argument stage. I do not find this submission is tenable, hence, refused, and the matter is being considered and decided on the ground of pleadings on behalf of all the applicants.

6. It is quite evident from the pleadings of the applicants that they undertook the journey on L.T.C. during April, 1998 to June, 1998. Genuineness of this journey is not in dispute and the respondents have admitted the same in para-16 of the C.A. and there is also a letter dated 14.12.1998 from Manipur Tourism Government of Manipur, verifying the genuineness of journey in question undertaken by the applicants. Copy of this letter has been annexed as annexure R.A.-3 to the rejoinder. It is also not in dispute that the claim of the applicants for this L.T.C.

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was cleared and the payments were made to the applicants. It is also <sup>quite evident from pleadings</sup> ~~not in dispute~~ that the L.T.C. journey undertaken by the applicants did not fulfil the requirement as per O.M. dated 09.2.1998. The only point in controversy remains that whether this Government of India, Ministry of Personnel O.M. dated 09.2.1998 is applicable in the case of the applicants and that the applicants undertook the journey when this O.M. was duly promulgated and brought to the knowledge of these employees. The respondents have filed the copy of this O.M. as annexure -1 to the counter-reply, which goes to indicate that this O.M. dated 09.2.1998 was circulated through letter dated 30.4.1998 and, therefore, it cannot be disputed that those employees who undertook the journey prior to this date i.e. 30.4.1998, cannot be expected to have knowledge of contents and conditions of this O.M. in question and, therefore, their bonafides cannot be doubted and claims ought not to have been rejected only on this count.

7. Perusal of the record shows that there is no specific mention as to which <sup>group</sup> ~~group~~ of employees travelled on which dates.

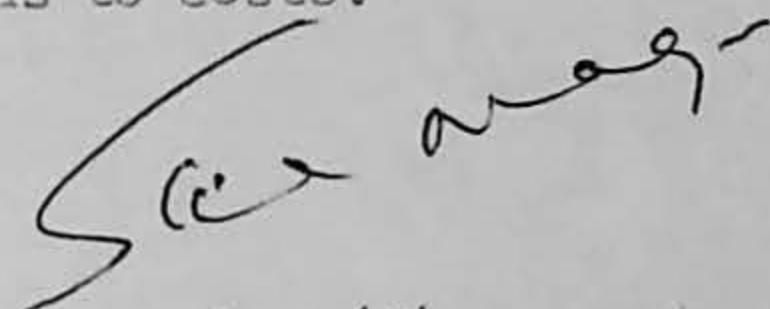
8. For the above, I find that the applicants who undertook the journey and completed the same



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before 30.4.1998, are not liable to any refund and deserve that their claims be settled. So far as those applicants who undertook their journey after 30.4.1998, they are not entitled to any relief for having not complied with the provisions as per Government of India, Ministry of Personnel O.M. dated 09.2.1998 and, therefore, the relief in respect of them, is refused.

9. The O.A. is partly allowed, as above. No order as to costs.

  
Member (J)

/M.M./