

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 13th day of December 2002.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

O.A. No. 763 of 2002

K.D. Sah aged about 49 years S/O Late Shri D.Lal Sah R/O H.No. P8/2, C.O.D. Estate Area, Naini Allahabad,.... Applicant.
Counsel for applicant : Sri R. Verma.

Versus

1. Union of India through the Secretary, Ministry of Defence (Production), New Delhi.
2. Union of India through the Secretary, Ministry of Labour, Government of India, New Delhi.
3. Director General, Ordnance Factory Board, 10-A, Shaheed Khudiram Bose Road, Calcutta.
4. General Manager, Ordnance Clothing Factory, Shahjahanpur.
..... Respondents.

Counsel for respondents : Sri A.N. Shukla.

ORDER

BY HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

By this application under Section 19 of A.T. Act, 1985, the applicant has prayed for quashing, order dated 29.6.99 (Annexure-I) rejecting the claim of the applicant for Leave Travel Concession. He has also prayed for a direction to respondents to pay the amount of Rs.7918/- which was incurred in LTC journey with interest.

2. The facts of the case are that the applicant was serving as Senior Labour Officer in Ordnance Clothing Factory, Shahjahanpur under Respondent No.4. In respect of LTC for the Block Year 1996-97, he was paid an advance of Rs.9,360/=. However, after completing the journey, he submitted his bill after one month. Consequently, his claim for the remaining amount has not been accepted and the amount given as advance has been recovered with interest. The claim has been rejected



by the impugned order dated 29.6.99 (Annexure-I). Counsel for the applicant has submitted that even in case final bill was not submitted within one month after completion of the return journey, the claim of the applicant could not come to an end. Under the relevant CCS (LTC) Rules after the advance was realised with interest, it was to be examined as if no advance had been drawn. It is undisputed that the claim was preferred by the applicant within three months after completion of the return journey. In the circumstances, it is submitted that the claim ought to have been examined and the amount due ~~should~~ ~~be~~ have been paid. Counsel for the Respondent, on the other hand, submitted that from reading of the rule, it is clear that the applicant could not file the claim of final bill within one month after the completion of the journey and he is not entitled for payment. The order does not suffer from error of law.

3. I have carefully considered the submissions of the parties. The controversy for ~~the~~ determination in the present case is as to whether the LTC claim shall come to an end in case the advance was drawn and the final bill has not been preferred within one month of the return journey under the relevant rules or ~~it~~ remains ^{and} it should have been examined like a claim under the first category where no advance has been drawn. The relevant rule reads as under :-

"Where no advance is drawn by the Government servant, the right of a Government servant for reimbursement of Leave Travel Concession claim stands forfeited or deemed to have been relinquished, if the claim for it is not preferred within three months of the date of completion of the return journey. If advance is drawn, the final bill should be preferred within one month of the completion of return. If that is not done, the entire advance should be recovered in lump-sum after which it will be taken as if no advance had been drawn and the claim preferred within three months of completion of the return journey ~~as~~ Rules 14 and 15 (vi)."

4. From the close reading of the aforesaid, it is clear that in case advance is drawn, the final bill is required



to be submitted within one month after completion of the return journey failing which, the entire advance shall be recovered in lumpsum and after that it shall be taken as if no advance has been drawn and the claim preferred within three months from the return journey. The respondents, however, rejected the claim of the applicant under misconception that after recovery of the advance amount, the claim is not required to be examined. From the above it is clear that after recovery of the advance amount it shall be taken that no advance has been drawn and the claim ^{was} preferred within three months of completion of the return journey. In the present case it is not disputed that the claim was preferred within three months from the completion of the return journey. In para 4(24) of the O. A., applicant has averred that he completed return journey on 26.6.98 and submitted the final bill on 10.8.98, which is well within the period of three months of completion of the journey. Counter has been filed. However, in para 30, these dates have not been denied. It has been said that claim is ^{unreconciled} ~~himself construed~~ and denied. Thus, it is admitted position that the final bill was submitted by the applicant ⁱⁿ time, which is within three months of the completion of journey and the bill submitted by him ought to have been considered and the amount claimed by him, if found justified, ought to have been paid. The claim of the applicant has been illegally rejected and he is entitled for the relief. The impugned order dated 29.6.99 (Annexure-I) is quashed. The Respondent No.4 is directed to examine the claim of the applicant under the first category as if no advance was drawn and decide the same in accordance with rule within three months from the date of receipt of a copy of this order.

There shall be no order as to costs.

V. C.

Asthana/