

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Diary No. 3133 of 2002.

In

Original Application No. 956 of 2002.

this the 16th day of August'2002.

HON'BLE MR. C.S. CHADHA, MEMBER (A)

1. T.S. Sharma, S/o late Sri Rama Shankar Sharma, R/o 4/304-A Baluganj, Agra.
2. Charan Singh, S/o late Sri Bhoj Raj, R/o Village Lakawali, P.O. Kalar Kheria, Tajganj, Agra.

Applicants.

By Advocate : Sri Yar Mohd.

Versus.

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. Garrison Engineer (East), Agra Cantt.
3. Controller of Defence Accounts (A), Meerut.
4. AAO (A), Garrison Engineer (E) Office, Agra Cantt., Agra.

Respondents.

By Advocate : Sri G.R. Gupta.

Ve O R D E R (ORAL)

This case is an identical to the O.A. no.645/2001 in which a judgment was passed by this Tribunal on 30.5.2002. The brief facts of the case are that the applicants in that case had travelled on LTC from Agra to Kanyakumari and the claim of the applicants was rejected on the ground that the bus owner did not ^{take} proper permit for the said route. By order dated 30.5.2002, it has been held that lack of proper permit by the bus owner does not make the travel of the applicants illegal. The present O.A. has been filed by the applicants on exactly similar grounds. I am surprised to find that by

B.S. Chaudhary

the impugned order at Annexure A-4 dated 6.7.2002 the respondents have taken a stand that as Sri T.S. Sharma and Sri Charan Singh were not parties to the earlier O.A., therefore, the same principle cannot be applied to them. By the decision dated 30.5.2002, the Tribunal had not decided only in favour of the applicants, but had decided a principle which should be applied to all similarly situated persons. I find no merit in the order rejecting the LTC claim and do not feel it necessary to even call for a counter affidavit from the respondents as the issue has already been decided by this Tribunal vide order dated 30.5.2002. The O.A. is, therefore, allowed and the respondents are directed not to take action as per impugned orders contained at Annexure Nos. 1 & 4. In fact all the similarly placed persons should get the same benefit. The amount, if any, recovered from the applicants should be refunded within a period of one month from the date of receipt of a copy of this order. No costs.



MEMBER (A)

GIRISH/+