

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No.521 of 2003.

Allahabad, this the 24th day of April, 2007.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman

M.L. Kuril son of Late Chhammi Lal,
Resident of House No.115/36 3E,
Maswanpur, Kanpur.

...Applicant.

(By Advocate :Shri M.K. Upadhyay)

Versus

1. Union of India, through the Secretary, Ministry of Defence, Department of Defence Production, New Delhi.
2. the Chairman, Ordnance Factories Board, 10-A Auckland Road Colcutta.
3. The Senior General Manager, Ordnance Factory Kanpur.
- 4.

...Respondents.

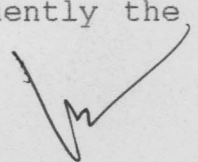
(By Advocate :Shri N.C. Nishad)

O R D E R

By Hon'ble Mr. Justice Khem Karan, V.C. :

The applicant is praying for quashing the order dated 13.10.2001 (Annexure-A1) and order dated 4.4.2002 (Annexure-2) passed by respondent No.3 and is also praying for directing the respondents to pass the adjustment bill dated 4.2.1988 submitted by him against L.T.C. advance of Rs.7,448/-.

2. The case of the applicant is that he alongwith 08 members of his family availed of LTC, from Kanpur to Trivendram Via Bombay after taking advance of Rs.7,448/- and after performing the journey, submitted final settlement bill, but the General Manager rejected the claim vide order dated 10.8.1994. Aggrieved of this rejection, he filed one OA No.652/96 which this Tribunal allowed vide order dated 14.3.2001 and consequently the General Manager

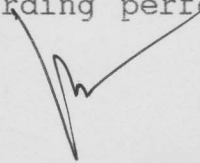


recalled his order dated 10.8.1994 and 16.10.1993 and gave show cause notice to the applicant. After this, he passed order dated 13.10.2001 and 4.4.2002 rejecting his LTC claim which are being assailed in this OA. It is said that appeal preferred against the said rejection order, has also been dismissed on 4.4.2002.

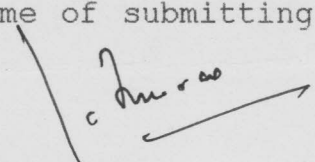
3. The respondents have filed reply contesting the claim. It has been averred in Para 6 that final adjustment bill for Rs.8766/- showing the journey of the applicant upto Bombay and rest of the family members upto Trivendrum was submitted but after adjustment of Rs.7448/- a sum of Rs.1318/- was to be paid to the applicant but the same could not be cleared as the applicant did not submit requisite documents in support of his claim of having visited the declared places. Several other pleas have also been taken.

4. Shri Upadhyay has contended that the grounds given in impugned order, for rejecting the claim of the applicant are not sustainable as the applicant had already furnished the requisite documents at the time of submitting his final bill. It appears that while the applicant maintains that he had submitted all the requisite documents at the time of submitting his final bill, the respondents are saying in para-6 that the same were not submitted and with the result the controlling authority could not give genuineness certificate.

5. The Tribunal is of the view that the claim could not have been rejected without giving full opportunity to the applicant to submit the requisite papers regarding performance of journey etc. So the impugned orders are set-said and the respondents are directed to re-consider the settlement of the claim in question, in accordance with rules, within a period of two months from the date the applicant gives copy of this order together with the copy of the relevant documents regarding performance of journey



etc. or gives proof that he has already furnished the same with the authority concerned at the time of submitting the final bill. No costs.


Vice-Chairman

RKM/