

(Reserved)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

ORIGINAL APPLICATION NO. 1156 OF 2007

Dated this *Friday*, the 6th day May, 2011)

PRESENT:

HON'BLE MR. SANJEEV KAUSHIK, MEMBER-J

1. Ashok Kumar Shukla, aged about 58 years, Son of Ram Kishore Shukla, at present posted as S.A., R.M.S., Allahabad.
2. Onkar Nath Pandey, aged about 57 years, Son of Sri Brij Mohan Pandey, at present posted as S.A., R.M.S., Allahabad.
3. Raj Kumar Srivastava, aged about 46 years, Son of Shri Baijoo, at present posted as S.A., R.M.S., Allahabad.
4. Sugreev, aged about 59 years, at present posted as S.A., R.M.S., Allahabad.
5. S.S. Kumar, aged about 45 years, at present posted as S.A., R.M.S., Allahabad.
6. Balbhadra Singh, aged about 60 years, at present posted as Mailman, Allahabad.
7. Bhagwati Prasad, aged about 60 years, at present posted as S.A., R.M.S., Allahabad.
8. Kamta Nath, aged about 54 years, at present posted as S.A., R.M.S., Allahabad.
9. Shiv Shanker Prasad Shukla, aged about 44 years, Son of Sri Bhola Prasad Shukla, at present posted as S.A., R.M.S., Allahabad.
10. Ajai Kumar Dubey, aged about 48 years, at present posted as S.A., R.M.S., Allahabad.
11. Vijai Kumar Pandey, aged about 25 years, at present posted as S.A., R.M.S., Allahabad.
12. M.N. Tiwari, aged about 39 years, at present posted as S.A., R.M.S., Allahabad.
13. Jagdamba Prasad, aged about 37 years, at present posted as S.A., R.M.S., Allahabad.

14. Ram Bahadur Singh, aged about 48 years, at present posted as S.A., R.M.S., Allahabad.
15. Ram Lakhan Sharma, aged about 56 years, at present posted as S.A., R.M.S., Allahabad.
16. Vidya Sagar Tripathi, aged about 59 years, at present posted as S.A., R.M.S., Allahabad.
17. Krishna Kumar Tripathi, aged about 53 years, at present posted as S.A., R.M.S., Raibarely.
18. Sheo Shankar Pandey, aged about 51 years, at present posted as S.A., R.M.S., Raibareli.
19. Jasveer Kumar Srivastava, aged about 44 years, at present posted as S.A., R.M.S., Raibareli.
20. Laxmendra Kumar, aged about 49 years, at present posted as S.A., R.M.S., Raibareli.
21. Shrikant Singh, aged about 50 years, at present posted as S.A., R.M.S., Raibareli.
22. Kamal Kumar Tandon, aged about 46 years, at present posted as S.A., R.M.S., Raibareli.
23. Sheo Ram Gupta, aged about 61 years, Retired S.A., R.M.S., Raibareli.
24. Braj Nath Singh, aged about 58 years, at present posted as Mail Jamadar, Varanasi.
25. Sharda Prasad Pandey, aged about 59 years, Son of Sri Vasudeo Pandey, at present posted as S.A., R.M.S., Allahabad.
26. Uma Shankar, aged about 45 years, at present posted as S.A., R.M.S., Mughalsarai.
27. Gauri Shanker Ram, aged about 44 years, at present posted as S.A., R.M.S., Mughalsarai.
28. Shiv Shankar Lal, aged about 50 years, at present posted as S.A., R.M.S., Mughalsarai.
29. Chandra Deo, aged about 55 years, at present posted as S.A., R.M.S., Mughalsarai.
30. Pradeep Kumar, aged about 47 years, at present posted as S.A., R.M.S., Mughalsarai.
31. Mukesh Kumar, aged about years, at present posted as Mail Jamadar, R.M.S., Varanasi.

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32. Ram Dhani Mishra, aged about 57 years, son of Late Paras Nath Mishra, at present posted as Mail Jamadar, R.M.S., Varanasi.
33. Pancham Ram Yadav, aged about 54 years, son of Mohan Yadav, at present posted as Mail Jamadar, R.M.S., Varanasi.
34. Umesh Chand, aged about 61 years, son of Muluk Ram, at present retired as Mail Jamadar, R.M.S., Varanasi.
35. Dina Nath Tiwari, aged about 56 years, son of Late Ambika Prasad Tiwari, at present posted as Mail Jamadar, R.M.S., Varanasi.
36. Kailash Nath Singh, aged about 57 years, at present posted as Mail Jamadar, Mirzapur.
37. Surya Lal, aged about 59 years, at present posted as Mail Man, R.M.S., Mirzapur.
38. Kaloo Ram, aged about 58 years, at present posted as S.A., R.M.S., Mirzapur.
39. R.K. Dwivedi, aged about 46 years, at present posted as S.A., R.M.S., Mirzapur.
40. Akhilesh Kumar Chaubey, aged about 50 years, at present posted as S.A., S.R.O., Mirzapur.
41. Bachhan Singh, aged about 52 years, at present posted as S.A., R.M.S., Mirzapur.
42. Gauri Shankar Pandey, aged about 55 years, at present posted as S.A., R.M.S., Mirzapur.
43. Indra Bahadur Singh, aged about 49 years, at present posted as S.A., S.R.O., Mirzapur.
44. Rajendra Prasad Srivastava, aged about 49 years, at present posted as S.A., R.M.S., Mirzapur.
45. Chandrama Prasad, aged about 58 years, at present posted as S.A., S.R.O., Mirzapur.
46. Amar Nath, aged about 45 years, at present posted as S.A., R.M.S., Mirzapur.
47. Tribhuvan Nath Dubey, aged about 59 years, at present posted as S.A., S.R.O., Fatchpur.
48. Neeraj Kumar, aged about 27 years, son of Sri Durga Shanker Tiwari, at present posted as S.A., R.M.S., Allahabad.

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49. Pramod Narain Tiwari, aged about 54 years, son of Jageshwar Prasad Tiwari, at present posted as S.A., S.R.O., Fatehpur.
50. Manna, aged about 48 years, son of Shrikrishna Pal, at present posted as S.A., R.M.S., Allahabad.
51. Ram Surat Ram, aged about 59 years, at present posted as S.A., R.M.S., Varanasi.
52. Chatur Ram Yadav, aged about 58 years, at present posted as S.A., R.M.S., Varanasi.
53. Mohd. Athar-I, aged about 60 years, son of Tariqullah, Retired S.A., R.M.S., Varanasi.
54. Shree Prakash Singh, aged about 59 years, at present posted as S.A., R.M.S., Varanasi.
55. Jai Ram Vishwakarma, aged about 57 years, at present posted as S.A., R.M.S., Varanasi.
56. Ajai Kumar, aged about 37 years, at present posted as S.A., R.M.S., Varanasi.
57. Mahadeo Prasad-II, aged about 60 years, son of Late Bal Govind, Retired S.A., R.M.S., Varanasi.
58. Uma Shankar Lal, aged about 61 years, son of Late Manohar Lal, at present retired S.A., R.M.S., Varanasi.
59. Suresh Chandra, aged about years, at present posted as S.A., R.M.S., Varanasi.
60. Mahesh Dutt Tiwari, aged about years, son of Late Ram Raksha Tiwari, at present posted as Accountant, R.M.S., Allahabad.
61. Shyam Lal Nirala, aged about 58 years, son of Late Brajlal, at present posted as S.A., R.M.S., Allahabad.
62. Om Prakash Yadav, aged about 56 years, son of Late Rajaram Yadav, at present posted as S.A., R.M.S., Allahabad.
63. Chinta Mani Ram, aged about 54 years, son of Sri Bhola Nath Rai, at present posted as S.A., S.R.O., Varanasi.
64. Awadh Bihari Pandey, aged about 44 years, son of Late Laxmi Shankar Pandey, at present posted as S.A., R.M.S., Varanasi.
65. Moti Lal-II, aged about 59 years, son of Late Kalloo Ram, at present posted as S.A., R.M.S., Varanasi.

66. Ratnakar Mishra, aged about 57 years, son of Late Kamla Mishra, at present posted as S.A., R.M.S., Varanasi.

67. Ramkesh Ram, aged about 52 years, son of Late Ramdhari Ram, at present posted as S.A., R.M.S., Varanasi.

..... Applicants.

By Advocate: Shri M.K. Upadhyay.

Versus

1. Union of India through its Secretary, Ministry of Communication, Dept. of Port Sansad Marg, New Delhi.

2. Post Master General, Allahabad.

3. Senior Superintendent, Railway Mail Service, A- Division, Allahabad.

..... Respondents

By Advocate: Shri R.K. Srivastava

O R D E R

By way of instant Original Application filed under section 19 of Administrative Tribunals Act 1985 the applicants seeks quashing of order dated 31.10.2007 (Annexure -1 of O.A) passed by the Senior Superintendent , Railway Mail Service, A- Division, Allahabad i.e. respondent No. 3 whereby the applicants have been directed to deposit the advance taken by them for Leave Travel Concession (in short LTC) journey as they have not submitted the L.T.C Bills within 30 days after completion of L.T.C. journey.

2. Brief facts of the case would reveal that the applicants are employees of R.M.S in District Allahabad, Fatehpur, Pratapgarh, Raibarely, Mirzapur, Varanasi and Mughalsarai , which comes under the jurisdiction of R.M.S. 'A' Division, Allahabad. In the month of January and February 2006 the officials of R.M.S "A" Division, Allahabad organized L.T.C tour by the buses of State Tourism Development Corporation which have been authorized for the

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Central Government employees. All the applicants submitted their LTC advance application with S.R-1 (leave application) to the Senior Superintendent of R.M.S 'A' Division, Allahabad for getting their LTC advance and for sanction of leave. On being satisfied the Senior Superintendent forwarded the L.T.C tickets , bus permit and list of passengers and other documents for verification to P.R.O (Annexure A-2 of O.A). It is submitted that after completion of journey all the applicants submitted their LTC bills within 30 days through their office In-charge i.e. S.R.O and H.R.O and the same was also forwarded to the office of Senior Superintendent, R.M.S 'A' Division, Allahabad within stipulated period (Annexure A-3 of O.A). P.R.O, Government of Nagaland verified all the documents and gave a certificate to the effect that all the applicants have actually traveled (Annexure A-4 of O.A). An inquiry was set up by the Regional Office of P.M.G, Allahabad and Sri P.C. Yadav and Sri P.K. Singh were deputed to enquire into the matter. On 20.09.2006 respondent No. 3 issued a general order whereby granting seven days time to all the applicants to explain why they have not submitted their Bills within 30 days from the date of completion of journey (Annexure A-6 of O.A). All the applicant stated to have submitted their explanation stating therein that they had already submitted their bills well within time. On 31.10.2007 the respondent No. 3 passed the order of recovery of LTC advance given to the applicants (Annexure A-1 of O.A), hence the Original Application.

3. Upon notice the respondents filed detailed Counter Affidavit and in preliminary submissions they have submitted that LTC advance was sanctioned to the applicants for the Block Year 2006-

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2009. The applicants submitted their LTC bills in the office of respondent No. 3 after expiry of 30 days from the date of journey. When the matter was brought into the notice of the higher authorities the matter was enquired by the Assistant Superintendent (Vigilance) who submitted his preliminary enquiry report on 25.05.2006 wherein it is stated that the LTC bills have not been submitted well within time and as such there is violation of LTC Rules. Therefore, the impugned order for recovery has been passed with a direction to the applicants to deposit the advance.

4. I have heard Sri M.K. Upadhyay, counsel for the applicant and Sri R.K. Srivastava, counsel for the respondents and perused the pleadings on record.

5. Sri M.K. Upadhyay, counsel for applicant has vehemently argued that the impugned order has been passed without application of mind. It is nowhere stated by the respondents that when the applicants have submitted the bills and how the same is not within time. A general order has been passed stating therein that the applicants have not deposited the LTC bills within 30 days from completion of journey without specifying the date when the bills were submitted by the applicants, therefore, the impugned order is non-speaking and shows non-application of mind. He further argued that in terms of rule 14, 15 and 18 of L.T.C Rules 1988 the respondents cannot pass punitive order. He further argued that under the rules respondents cannot pass punitive order without holding that the applicants submitted bills after 30 days. On the other hand counsel

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for the respondents reiterated what has been averred in the Counter Affidavit.

6. I have considered the rival submissions and gone through the record. The sole controversy involved in the instant Original Application is regarding non-submission of LTC bills within 30 days. It is alleged by the respondents that the applicants have submitted the bills beyond the time prescribed, therefore, the impugned order of recovery has been passed. For better appreciation of the case rule 14, 15 and 18 of Central Civil Services (Leave Travel Concession) Rules 1988 (In short LTC Rules) are reproduced herein under : -

“14. **Forfeiture of claim** - A claim for reimbursement of expenditure incurred on journey under leave travel concession shall be submitted within three months after the completion of the return journey, if no advance has been drawn. Failure to do so entail forfeiture of the claim and no relaxation shall be permissible in this regard.

15. **Grant of advance and adjustment thereof** -

- (i).
- (ii).
- (iii).
- (iv).
- (v).

(vi). Where an advance has been drawn by the Government servant, the claim for reimbursement of the expenditure incurred on the journey shall be submitted within one month of the completion of the return journey. On a Government servant's failure to do so, he shall be required to refund the entire amount of advance forthwith in one lumpsum. No request for

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recovery of the advance in installments shall be entertained.

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18. **Power to relax.** - Save as otherwise provided in these rules, where any Ministry or Department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and, subject to such exception and conditions as it may consider necessary for dealing with the case in a just and equitable manner :

Provided that no such order shall be made except with the concurrence of the Department of Personnel and Training."

7. From perusal of the above it is clear that when an advance has been taken for journey then on completion of return journey the employee has to submit his claim for reimbursement of expenditure within one month from that date. If he fails to do the same, he shall be required to refund the entire amount of advance forthwith in lump sum. The applicants completed their journey on different dates i.e. 18.02.2006, 25.02.2006, 18.02.2006 and 01.04.2006 and submitted their bills on 28.02.2006 & 01.03.2006, 11.03.2006, 27.02.2006 and 05.04.2006 respectively. This fact can be seen from Annexure A-7 of O.A. Therefore, it is imperative upon the respondents to firstly inform the applicants about the date of submissions of bills and thereafter to pass impugned order. Since before passing impugned order the applicants have not been given