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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL TRIBUNAL
AHMEDABAD BENCH

O.A. No. 31 **OF** 1990
~~Case No.~~

DATE OF DECISION 25th June, 1992.

Shri R.K.Khola **Petitioner**

Party in Person **Advocate for the Petitioner(s)**

Versus

Union of India and Others **Respondent**

Shri Akil Kureshi **Advocate for the Respondent(s)**

CORAM :

The Hon'ble Mr. R.C.Bhatt : **Judicial Member**

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal? ✗

Dr.R.K.Khola,
E-15, DOS Housing Colony,
Vastrapur,
Ahmedabad.

...Applicant.

(PARTY IN PERSON)

Versus

1. Union of India, New Delhi
(Notice to be served through
Chairman ISRO & Secretary, DOS,
Antariksha Bhavan,
New Bel Road, Bangalore).
2. Mr.P.P.Kale,
Director,
Space Application Centre,
(ISRO) Jodhpur Tekra,
Ahmedabad - 53.
3. Mr.M.M.Shah,
Controller,
Space Applications Centre,
(ISRO) Jodhpur Tekra,
Ahmedabad - 53.
4. Mrs.S.S.Joshi,
Head, P & GA
Space Applications Centre,
Jodhpur Tekra,
Ahmedabad - 53.
5. Mr.D.B.Pagedar,
Head Accounts,
Space Applications Centre,
Jodhpur Tekra,
Ahmedabad - 380 053.

...Respondents.

(Advocate : Mr.Akil Kureshi)

O R A L J U D G M E N T

O.A. NO. 31 OF 1990

Date : 25.6.1992.

Per : Hon'ble Mr.R.C.Bhatt : Judicial Member

1. Heard applicant in person and Mr.Akil Kureshi, learned counsel for the respondents. The applicant serving with the respondents has filed this application under Section-19 of the Administrative Tribunals Act, 1985, to direct the respondent no.2, to 5, to refund an amount of Rs.469/- with interest.

The case of the applicant is that he had taken L.T.C.

(6)

advance of Rs.4,250/-, on 3.6.1988, for four members of his family and himself for the block year 1986-87, but thereafter due to unavoidable problems, his wife and two daughters decided not to join the journey and the applicant had refunded amount of Rs.3,000/- to the Office on 18th July, 1988, with the intimation that the applicant and his son would be availling the L.T.C. Thereafter, the applicant in December, 1988, alone could avail his LTC as his son could not go because of his studies. It is the case of the applicant that after he returned back on 25th December, 1988, he submitted his LTC settlement claims of Rs.386/- duly signed by his Controlling Authority on 20th January, 1989, and refunded the balance amount of Rs.864/-, by cheque. He also requested to Head, P & GA, wide letter dated 20th January, 1989, not to deduct any amount from his salary because he had submitted the LTC settlement claims. According to the applicant, the said cheque of Rs.864/- was returned by the respondents.

2. It is alleged by the applicant that respondent no.4 and 5, deducted the amount of Rs.1,333/- from his salary for the month of January, 1989, which was an illegal act. The applicant has submitted that inspite of the fact that according to the Rules, he submitted the LTC settlement claims, the respondent no.1's Officer Mr.K.S.Krishnan, who according to him is junior to him by letter dated January, 27, 1988, put some quarries

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LTC to process the claim. The applicant submits that as he had already produced the requisite documents before respondents regarding his L.T.C. claim settlement, there was no further necessity to reply the querries - - - - from a Officer junior to him, and also when such querries were made by letter Annexure-2, produced by the respondents, after deduction was made. The applicant has prayed **for** the refund of amount of Rs.469/- with interest.

3. The respondents have resisted the application. So far the refund of Rs.3,000/-, is concerned the respondents have categorically contended that the Office had not taken any action against the applicant and that question does not arise. Therefore, the only question is that when the applicant after his return from the journey on 25th December, 1988, refunded the balance amount of Rs.864/- by submitting the L.T.C. claim of Rs.386/- on 20th January, 1989, because his son had not availed of L.T.C., The respondents should have accepted the cheque of Rs.864/- or not ? The applicant submits that he had not committed any breach of any L.T.C. Rule.

4. At the time of hearing, the applicant was asked as to whether he is ready to give reply to the querries, as per letter dated 27th January, 1989, vide Annexure-II, produced by the respondents to which he

said that he was ready though according to him he had satisfied the requirement even prior to this letter. The applicant submits that the competent officer may decide this point and he would certainly give reply to this letter dated 27th January, 1989. In such case, when the applicant had sent cheque of Rs.364/- on 20th January, 1989, after his return from 25th December, 1988, it is hoped that the competent authority will keep in mind this fact, however, the applicant ought to first give reply to the letter dated 27th January, 1989, so that the competent officer of the respondents can consider the L.T.C. claim settlement submitted by the applicant. Hence the following order:

ORDER

The respondents' competent officer to finalise the consideration of the L.T.C. settlement claim of the applicant sympathetically on receipt of reply from the applicant to the letter dated 27th January, 1989, addressed to him by one officer Shri K.S.Krishnan.

The applicant to send reply within two weeks from today. The competent authority who can deal with this L.T.C. settlement claim then to dispose of this issue according to the rules, within three months on getting reply.

(9)

If the applicant is aggrieved by any ultimate order of the respondent in this matter, he would be at liberty to approach this Tribunal. The application is disposed of. No order as to costs.

Resul

(R.C.Bhatt)
Member(J)

AIT

M.A./85/92
in
O.A./31/90

13

| Date | Office Report | Order |
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| 16.4.1992 | <p>Res. submitted. Application regarding document was being filed on dt. 22/4/92. R.C. 22/4/92 Secty</p> | <p>Party in person is present. The M.A. filed by him demanding to respondents to produce certain documents is for vague. The applicant therefore seeks one weeks time to give complete details. Hence the matter is adjourned to 23rd April, 1992.</p> |
| 23.4.1992 | | <p>Heard petitioner in person. The applicant had filed M.A./85/92 on 10.2.1992 demanding the respon- dents to produce certain documents, but the said application was very vague. Hence, the applicant has filed another application termed as amended application, giving same number to the miscellaneous applica- tion. He submitted that he with- draws M.A. No. 85 of 1992 and the amended application for production of documents, filed by him on 22.4.92 be treated as fresh application. Office to give separate number to this miscellaneous application filed on 22.4.1992 instead of maintaining the old M.A. No. 85 of 1992.</p> <p>The application dated 22.4.92 is for production of certain LTC advances application, reminders, notices, settlement claims etc. of other officers. In my opinion these documents are not at all relevant for the decision of the original applica- tion filed by the applicant</p> |

M.A./85/92
IN O.A./31/90

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| Date | Office Report | Order |
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| | | <p>where his relief is to direct the respondent no. 2 to 5, to refund the amount of Rs.469 with interest. The applicant while arguing this M.A. has submitted that there was discriminatory attitude conducted on the part of the respondents between him and certain officers named in his application, in as much as that the respondents took much time to demand explanation from other officers and the applicant in his application at para 5 has stated that the his settlement of advance of LTC was on 24.7.1984, after great delay of almost nine months, But the applicant was given a totally discriminatory treatment. The question involved in the main application as per the averments made in the application by the applicant is against oral, unjust and unauthorised action of respondent no 4 and 5 for deducting Rs.1333/- from his salary on 31.1.1988. Therefore the only question which would arise at the time of hearing is as to when was the oral action complained and whether the deduction of the amount was in violation of the Rules as averred in the application. The correspondence between the respondents and the other officers on the point of LTC Problem cannot be considered, because it is statutory rule which prevails and not any correspondence between the respondents and other officers which would be a guideline. Hence M.A. is rejected. Now the matter be fixed for final hearing. M.A. is disposed of.</p> |

R.C.Bhatt
(R.C.Bhatt)
Member (J)

*Ani.