

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH**

**OA/304/1993**

**Date of Decision : 22-12-2000**

Dr. R.K. Khola : Petitioner (s)

Mr. P.H. Pathak : Advocate for the petitioner [s]

Versus

Union of India & Ors. : Respondents [s]

Mr. M.S. Rao : Advocate for the Respondent [s]

**CORAM :**

**THE HON'BLE MR. A.S.SANGHAVI** : **MEMBER (J)**

**THE HON'BLE MR. G.C.SRIVASTAVA** : **MEMBER (A)**

**JUDGMENT**

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

No

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Dr. R.K. Khola,  
E.15, DDS Housing Colony,  
Vastrapur, Ahmedabad.  
(Advocate : Mr. P.H. Pathak)

: Applicant.

**Versus**

1. Union of India, New Delhi,  
(Notice to be served through  
Chairman ISRO & Secretary, DDS  
Antariksh Bhavan, New BEL Road,  
Bangalore,
3. Mr. P.P. Kale,  
Director, Space Applications Centre  
(ISRO) Jodhpur Tekrao, Ahmedabad-53.
4. Mr. M.M. Shah,  
Controller, Space Applications Centre,  
(ISRO) Jodhpur Tekra, Ahmedabad-53.
5. Mrs. S.S. Joshi, Head – P & G A,  
Space Applications Centre,  
Jodhpur Tekra, Ahmedabad-53.  
(Advocate : Mr. M.S. Rao)

: Respondents.

Date :

**JUDGMENT**

**O.A. No. 304 of 1993**

**PER : HON'BLE MR. G.C. SRIVASTAVA : MEMBER (A)**

This is the second round of litigation.

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2. The applicant who is working as a Scientist/Engineer-SF (ISRO), Jodhpur, Tekra, Ahmedabad under the respondents is aggrieved against the deduction of Rs. 1333/- from his salary on 31.1.1989 and seeks the following reliefs :-

(A) To direct the respondents to refund the amount of Rs. 469/- along with 12% interest with effect from February, 1989.

(B) To award the cost of the application to him.

(c) To grant any other relief, which the Hon'ble Tribunal thinks just and necessary in the circumstances of this case.

3. The applicant took LTC advance of Rs. 4250/- on 3.6.1988 for four members of his family and himself for Hometown for the block year 1986-87, extended upto December, 1988 and for this purpose took C/L with effect from 13.6.88 to 17.6.1988. His wife and two daughters did not avail the LTC and he refunded Rs. 3000/- to the office on 18.7.1988 with the intimation that he and his son will be availing the LTC (Annexure A/1). Finally he alone availed the LTC in December, 1988 and after his return on 25.12.1988, submitted a LTC claim for Rs. 386/- (Annexure A/2). He also refunded the balance amount of Rs. 864/- to the office vide cheque No. 815013 dated 18.1.1989 and requested the office not to deduct any amount from his salary (Annexure A/3). According to the applicant, the cheque of Rs. 864/- was returned to him without any reason and an amount of Rs. 1333/- was deducted from his salary of January 1989 without any prior notice. He contends that inspite of his several requests to the respondents to settle his LTC claim, the latter did not take any action (Annexure A/4). He



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further contends that the respondents have no authority to deduct the whole amount in advance from his salary after the LTC claims were already submitted. If the authorities were not satisfied with the intimation dated 18.7.88, they could have reminded him to refund the balance amount of Rs. 1250/- or deducted the amount from his salary for July 1988 itself.

4. At this stage, the applicant filed the O.A./31/90 before this Tribunal and the same was disposed of with an oral order dated 25.6.92 (Annexure A/5) directing 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 27.1.1989 and then dispose of this issue according to rules within three months from the date of getting the reply. The applicant submitted the reply on 9.7.1992, (Annexure A/6) and after examining the same, the respondents rejected his LTC claim vide their order dated 4.9.1992 (Annexure A/7). Hence, the applicant has again approached this Tribunal through the present O.A.

5. In reply, the respondents have stated that the applicant intimated the office to avail LTC (Home town) with effect from 11.6.1988 for his family and self but did not intimate the office about the change of his programme until 18.7.88. As per the LTC sanction order dated 31.5.88 (Annexure R/I) he was to produce the proof of purchase of tickets for outward journey within 10 days from the date of drawal of advance but he failed to do this. They contend that if he was not in a position to avail LTC for self and his son during June 1988 as intimated by him in his application, he should have refunded the entire amount drawn by him and applied for a fresh advance

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when required. According to them keeping a part of the money drawn by him for an indefinite period was irregular. The application dated 19.12.1988 submitted by him for three days E/L from 21.12.88 to 23.12.88 mentioning the reason for leave being availing LTC was received in Establishment section on 27.12.1988 i.e. after availment of LTC and his return to Ahmedabad. Further, there is no other intimation given by him to the office regarding his intention of availing LTC in December, 1988 or his son not availing LTC due to his studies. According to them, he was required to refund the entire amount forthwith, since the outward journey has not commenced within 60 days of the drawal of the advance and as he had drawn the entire advance on 3.6.88, he should have refunded the entire amount to the office on or before 2.8.88. Mere indication in the E/L application that he is taking E/L for availing Home Town LTC can not be taken as a permission for availing LTC. The respondents have stated that as the applicant had retained the balance amount of Rs. 1250/- upto 20.1.1989 and had not made any attempt to refund the same even after he returned to Ahmedabad on 28.12.1988 and since outward journey did not commence within 60 days of grant of advance, the cheque of Rs. 864/- was returned to him. As far as LTC claim is concerned, he was asked to furnish clarification about the non refund of entire amount within 60 days and reasons for not giving prior intimation for availing LTC in December, 1988. Since the applicant did not submit any clarification, the balance of Rs. 1250/- + interest of Rs. 83/- at the rate of 10% for eight months from 1.6.1988 was recovered from his salary of January, 1989. According to the respondents, this was done in the light of Govt. of India rules as well as conditions mentioned in the sanction order. Regarding notice for deduction, they state

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that the deduction was made from his salary of January, 1989 i.e. after lapse of about 6 months of the advance outstanding against him beyond the admissible period.

6. We have heard Mr. P.H. Pathak and Mr. N.S. Shevde, learned counsel for the applicant and respondents respectively and gone through the pleadings and documents on record. The order of the Tribunal of 25.6.92 reads as follows:-

**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 27<sup>th</sup> 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.**

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

7. Pursuant to the order dated 25.6.1992 passed by this Tribunal in OA/31/1990, the representation of the applicant was decided by the respondents by a speaking order communicated to him vide letter dated 4.9.92, which is now under challenge in the present O.A.

8. We have carefully gone through the above order and find that this is an exhaustive reply to the representation of the applicant and we are



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convinced that the order has been passed after due application of mind without prejudice and favour and after duly considering the issues raised by him in his representation as well as in the earlier OA/31/90 particularly the issue regarding return of his cheque dated 18.1.1989 for Rs. 864/-. The main contention of the respondents is that the applicant defaulted in not performing the LTC journey during June, 1988 as per his intimation given in his application for advance and utilised the money for a trip subsequently made without prior sanction/knowledge of Head of office. Similarly, they also contend that in cases where final bill is not submitted within a month of the completion of the return journey, the sanctioning authority should enforce lump sum recovery of advance forthwith and once such a recovery is made, it should be taken as if no advance has been drawn and claim allowed to be preferred within a period of three months failing which, it will stand forfeited. In the instant case, the applicant did not perform the journey during 13.8.88 to 17.8.88 as intimated earlier nor undertook the journey subsequently from July 1988 to November, 1988 and retained the amount of Rs. 1250/- all along with him which he finally utilised for his journey in December, 1988, for which neither any valid intimation appears to have been given nor any permission granted/obtained. As such LTC claim stands forfeited as per provisions of relevant rules. In their communication dated 4.9.92, the respondents have stated that his explanations are not convincing enough to condone his lapse in not refunding the amount of Rs. 1250/- and in not giving prior intimation to the administration/office regarding his intention for availing LTC during December, 1988. This clearly shows that the respondents might have even considered condoning the lapse of the applicant provided the clarification given by him was found to be

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convincing. While rejecting the LTC claim of the applicant, the respondents have further stated -

**It is further noted that Dr. Khola has not properly replied to the clarifications sought for though advised by Hon'ble Cat, Ahmedabad in their judgment dated 25.6.92. It is regretted to note that Dr. Khola has not even requested for relaxation of provisions contained in LTC rules to consider his bill dated 18.12.88 submitted vide letter dated 20.1.89 as a fresh case of LTC against the block period 1986-87 in his letter dated 9.7.92 other than making wild allegations and false statements of facts. Under the circumstances, his LTC bill dated 18.12.88 submitted vide letter dated 20.1.89 is hereby rejected.**

9. The allegation of prejudice and discrimination on the part of the respondents made by the applicant is denied by the respondents and also stands falsified by the contents of speaking order conveyed vide letter dated 4.9.92 in which all the issues have been examined in detail and appropriate comments offered. As far as the question of return of the cheque dated 18.1.89 for Rs. 864/- is concerned, this is not material as the deposit of cheque as well as recovery of advance from salary are both in January, 1989 and as such it would not change the amount of interest recovered in either way.

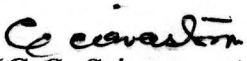
10. In view of this, we are of the considered opinion that the action of the respondents in rejecting his claim and recovering the entire balance of advance of Rs. 1250/- along with interest is as per the rules and therefore valid.

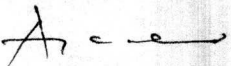
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11. In the light of the foregoing discussions, we find that O.A. is devoid of any merit and deserves to be rejected. We therefore reject the O.A. No order as to costs.

  
(G.C. Srivastava)  
Member (A)

  
(A.S. Sanghavi)  
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AHMEDABAD BENCH

OA/TA/RA/CP/304/93 of 200

Dr. R. K. Chola

APPLICANT (S)

VERSUS

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RESPONDENT (S)

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Reply

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Certified that the file is complete in all aspects.

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Signature of S.O. (K)



Signature of Dealing  
Hand.