

5 (14)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION No. 192 OF 1986

Date of decision : March 25, 1987.

Jagganath Giri	Petitioner
M/s Deepak Misra, R.N.Naik and S.S.Hota, Advocates	For Petitioner
Versus		
Union of India & others	Respondents.
Mr. Ashok ^{Mishra} Mohanty Advocate ... Addl. Standing Counsel (Central).		For Respondents.

C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes .
 2. To be referred to the reporters or not ? Yes .
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .
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Corrected as per Court dated 9.7.87.

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J U D G M E N T

K.P. ACHARYA, MEMBER (J), This is an application under section 19 of the Administrative Tribunals Act, 1985.

2. Shortly stated, the case of the petitioner is that the petitioner had availed benefit under the Leave Travel Concession Scheme for the block period 1982 to 1985 as he was scheduled to travel from Cuttack to Srinagar in a ~~special~~ Bharat Darshan Special Train scheduled to leave Cuttack on 1st June, 1982. Information having been received by the Postal Authorities that the petitioner had not travelled in 1st Class as claimed by him, the petitioner was put under a proceeding for misconduct and lack of integrity. Against such action having been taken by the competent authorities, the petitioner had filed an application under section 19 of the Administrative Tribunals Act, 1985 praying therein to quash the proceeding. After initiation of the proceeding, the petitioner has since retired. After retirement, the petitioner was not paid his gratuity money etc. and therefore, the present application has been filed with a prayer to direct the respondents- Opposite Parties to release the gratuity money etc. in favour of the petitioner.

3. In their counter, the respondents maintained that the gratuity money has been withheld because in case it is found in the inquiry that the petitioner had not travelled in 1st Class, then the

amount due from him would be realised by the Government from the gratuity money of the petitioner .

4. Before the case was listed for hearing, an application was moved before us praying therein that the entire money should not be with-held as it involves a huge amount and further more the amount of advance taken by the petitioner should be with-held so that the interest of Government would be very well protected. Accordingly, vide our order dated 17.2.1987 we directed that the total amount taken as advance by the petitioner be deducted from the gratuity. While adjudicating the merits of the case in O.A.No. 23 of 1986, we have already directed that the entire amount drawn by the petitioner on this account, namely, availing the benefit on the Leave Travel Concession Scheme be deposited by the petitioner and the proceeding be quashed. During the course of argument, it has come to our notice that the petitioner has drawn the entire amount which he had claimed, namely, Rs.4,875.00 out of which Rs.4,500/- has been with-held. Therefore , the balance amount of Rs.375.00 has to be paid by the petitioner. Hence, in this case we direct that the amount of Rs.4,500/- which has been with-held by the competent authorities be adusted towards the amount already drawn by the petitioner and the balance amount of Rs.375.00 would be paid by the petitioner to the Government on or before 30th April, 1987 in cash, failing which the said amount of Rs.375.00 would be deducted from the pension to be paid to the petitioner. This order of recovery has been passed as submitted by

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Mr. Deepak Misra, learned counsel appearing for the petitioner.

5. Thus, the application is disposed of accordingly leaving the parties to bear their own costs.



K. S. Roy
25/3/87
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Member (Judicial)
25.3.1987

B.R. PATEL, VICE CHAIRMAN,

B.R. Patel
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Vice Chairman.
25.3.1987

Central Administrative Tribunal,
Cuttack Bench.
March 25 , 1987/ Roy.