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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No.425 of 1988

Date of decision - January 24, 1990.

Chandra Mohan Pradhan,
son of late Naba Kumar Pradhan,
Assistant Postmaster,
Cuttack G.P.O.,
At/P.O./Dist-Cuttack.

... Applicant

Versus.

1. Union of India, represented by
its Secretary, Department of Posts,
Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle,
At/P.O. Bhubaneswar, Dist-Puri.
3. Senior Superintendent of Post Offices,
Cuttack North Division,
At/P.O./District-Cuttack.

... Respondents

For Applicant - M/s. Devanand Misra, Deepak Misra,
R.N.Naik, A. Deo, R.N. Hota

for Respondents - Mr. Ganeswar Rath,
Standing Counsel for the respondents.

CORAM :

THE HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

AND

THE HONOURABLE MISS USHA SAVARA, MEMBER (ADMINISTRATIVE)

- 1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
- 2. To be referred to the Reporters or not ? *no*
- 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T.

USHA SAVARA, MEMBER (ADMN.). This application under section 19 of the Administrative Tribunals Act is filed by Sri Chandra Mohan Pradhan challenging the action of the Postmaster General, Orissa Circle and the Senior Superintendent of post Offices, Cuttack North Division in not giving him promotion to L.S.G. from the due date i.e. 30.11.83 under the time-bound promotion scheme. The applicant claims promotion from the due date with back wages and also seeks direction to the respondents for sanction of the L.T.C.bill dated 13.1.84. Miscellaneous Application No.35 of 1989 was filed for condonation of delay. It is submitted that the applicant had made a representation to the Senior Superintendent of Post Offices regarding the L.T.C. claim made by him and the same was rejected on 11.3.87. This application to the Tribunal has been filed on 31.10.83 and there has been delay of 231 days which may be condoned by the Tribunal, as the applicant will suffer irreparable loss and sustain substantial injury if it is not condoned.

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2. The facts of the case are that the applicant was initially appointed as a time-scale clerk on 1.4.63 at Kendrapara under the Composite Cuttack Division. The next promotion of the time-scale clerk is L.S.G. which is a time-bound promotion after 16 years of service. The applicant completed 16 years of

service even before 30.11.83 but he was not considered for promotion in the first batch of promotion in December, 1983 while his juniors were given promotion thereby discriminating against the case of the applicant without any valid reason. Subsequently the authorities gave him the promotion to L.S.G. on 1.4.84. However, it is the case of the applicant that his promotion should be from 30.11.83 and he should be given arrears. The second grievance of the applicant is that while he was working at Sikharpur Sub-Post office, he applied for L.T.C. advance of Rs.2854/- which was sanctioned on 2.6.83 and the amount was drawn on 8.6.83. He was unable to commence the journey within 60 days as per rules as he was not relieved from duty on the due date. Thereafter, he applied for 14 days' E.L. on 13.9.83 for availing L.T.C. and undertook the journey on 2.10.83 on being relieved. He performed the journey alone as his family could not travel with him due to change of programme. After returning from journey, the applicant submitted his L.T.C. claim on 13.1.84 along with the railway tickets. As there was delay in sanction of L.T.C. bill, the outstanding amount was credited under receipt No.15 dated 3.3.1984 at Sikharpur Sub-Post office. It is submitted by the applicant that as he was not relieved from his duties on the administrative grounds and therefore could not perform the journey on the proposed date within the time limit as per the terms and further when he was relieved on 30.9.83 and sought permission to avail L.T.C., he was under bona fide impression that the journey was permissible. However, the respondent No.3 by his letter dated 27.12.83 initiated disciplinary proceedings

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under rule 16 of the C.C.S. (CCA) Rules, 1965 alleging that the applicant failed to perform the journey within 60 days from the date of advance and that he had to refund the advance if the journey was not performed within time limit as per rules. Since he did not do so, there was violation of the conditions stipulated in para-6 of Section XIII of L.T.C. Rules, 1964. It was held that although he could not be relieved before the proposed date of journey due to administrative reasons and he took 14 days' earned leave from 30.9.83 and sought permission for L.T.C. and performed journey from 2.10.83, it remained a fact that he could not perform the journey within 60 days and the subsequent journey was without approval, and therefore he had kept the advance unauthorisedly and the allegations stood proved. He was awarded punishment of "censure" and further imposed penal interest. The applicant filed various representations agitating his grievances and claiming settlement of his L.T.C. bill dated 13.1.84 but he was informed by the Senior Post Master, G.P.O. by his letter dated 10.5.86 that the above claim has been rejected. An appeal was filed on 9.1.87 to the respondent No.2 who informed him by his order dated 5.3.87 that the appeal was time barred. In view of this the applicant has filed this application for a direction to the respondents to clear the L.T.C. bill dated 13.1.84 in favour of the applicant and to pass appropriate orders ~~quashing~~ quashing the orders in Annexures-1, 2 and 3 and directing the respondents to refund the amount which has been recovered from him.

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3. Mr. Ganeswar Rath, learned counsel for the respondents has submitted that the applicant had already been promoted to L.S.G. cadre with effect from 30.11.83 and so no grievance

survives. He has further submitted that the applicant has applied on 2.5.83 for L.T.C. advance for the block period from 1982-1986 for journey to Ajmer. The L.T.C. advance could not be sanctioned till 30.5.83 and he was given option to select another date so that his leave and relief could be arranged simultaneously. Thereafter he fixed his date of commencement of outward journey to 8.6.83 vide his application dated 1.6.83. A sum of Rs.2854/- was sanctioned to him as L.T.C. advance on 2.6.83 with usual terms and conditions. He postponed the journey till September, 1983 due to rainy season vide his application dated 8.8.83. His request could not be acceded to and he was asked on 19.8.83 to refund the advance with instructions to avail fresh advance for L.T.C. journey within 60 days from the date of payment of the advance. On 26.9.83 the applicant applied for 6 days' casual leave for private affairs and he was relieved on 30.9.83. He undertook the journey on 2.10.83 and applied for earned leave for 14 days from 30.9.83 seeking permission to avail the L.T.C. Since he failed to ensure commencement of journey within 60 days from the date of payment of the advance and did not refund the advance paid to him on 8.6.83, he was proceeded against under rule 16 of the C.C.S.(CCA) Rules, 1965 vide office Memo dated 27.12.83. The official preferred an L.T.C. claim of Rs.880.50 in adjustment of the L.T.C. advance of Rs.2854/- for self which was received in the office on 16.1.84. The journey was started on 2.10.83. The claim was not submitted within the period of one month from the date of completion of the return journey. Disciplinary proceedings were

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initiated by letter dated 27.12.83 and it was held that the official had neither availed the advance on the proposed date of journey and submitted the bill in time, nor sought for permission for utilising the advance for the purpose of subsequent journey on 2.10.83. Further he even failed to submit the bill within one month from the date of completion of journey also. For this he was censured with a caution to guard against recurrence and penal interest was ordered to be recovered as per G.F.R. 199(2) read with G.D. decision thereunder.

4. We have heard the learned counsels for the applicant and the respondents on the issues involved. So far as the applicant's prayer for issue of appropriate orders regarding time-bound promotion to be given to him from 30.11.83 is concerned, the same has become infructuous as he has already been given this relief by the department. Regarding the L.T.C. claim of the applicant, it is seen that he has been negligent and cavalier in his attitude for the rules of the department. It may be a fact that he could not undertake the journey as planned within 60 days from the date of payment of advance because there were administrative reasons for not relieving him. He was asked on 19.8.83 to refund the advance and to avail fresh advance for L.T.C. journey within 60 days from the date of payment of the advance. It is seen that he neither refunded the advance nor sought for permission for utilising the advance for the purpose of subsequent journey on 2.10.83. Not only that, on his return his L.T.C. claim for Rs.880.50 was received by the office on 16.1.84 whereas he was supposed to submit the same within one month from the

date of the return journey. To make matters worse, he deposited the balance of Rs.2050/- as late as on 3.3.84 as his family could not accompany him. In view of the facts stated above, it is seen that the applicant has been indeed inordinately late at every point of time. In view of this, there is no reason to interfere with the stand taken by the Senior Superintendent of Post Offices (respondent No.3). Lastly we may also mention that this application itself has been filed very late. In the circumstances, the application is dismissed. There is no order as to costs. The M.A.No.35 of 1989 is also accordingly disposed of.

A. S. E. G. 24.1.90

MEMBER (JUDICIAL).

P. K. S. 24/1/90

MEMBER (ADMINISTRATIVE).

