

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

for Admission

De
20/3/01

Bench

O.A. Nos. 521 & 522/2000Order dated 21.3.2001

Heard Shri M.P.J.Ray, learned counsel for the applicants in both the cases and Shri J.K.Nayak, learned Addl. Standing Counsel and Shri S.Bhera, learned Addl. Standing appearing in O.A.Nos. 521/2000 and 522/2000, respectively on behalf of the Respondents, separately.

Since the prayers made by both the applicants are identical, these two O.A.s are being disposed of through this common order.

Both the applicants applied for L.T.C. advance in November, 1998, for the Block Year 1994-97, period of availment of which was extended by one year. Their grievance is that under the Rules, they are entitled to get 90% of total costs of to and fro journey towards L.T.C. advance. But they were allowed only 45% of the estimated cost to purchase tickets for the outward journey intimating them that after production of the outward ticket, the balance 45% would be released in their favour for purchasing tickets in respect of return journey. The applicants have stated that under the rules, they are entitled to 90% of the advance and this has been unfairly denied. They have also stated that the Chief Post Master General has been sanctioning 90% of the estimated costs of L.T.C. as advance in respect of employees working in his office and the other employees in the Circle are also being given the advance upto 90%. But they have been unfairly discriminated against. It is further submitted by the learned counsel for the petitioners that after filing of the Original Applications representations of the applicant have been forwarded by the C.P.M.G. to the Member, (Personnel) Postal Services Board on 4.12.2000. In view of this learned counsel for the petitioners submits that the Original Applications made may be disposed of by giving a direction to Member (Personnel), Postal Services Board (Res. 2) to dispose of these representations within a specified time limit.

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We have considered the submissions made by the learned counsel for the petitioners and gone through the pleadings of the parties. It has been submitted by Shri J.K.Nayak, learned A.S.C. and Shri S.Bhera, learned A.S.C. in support of their respective cases that this practice of releasing 90% of estimated cost of L.T.C. advance in two phases, i.e. 45% in two instalments, before commencement of journey has been going on in the Office of the Deputy Director(Accounts), Postal, Cuttack for a very long time. It is further submitted that the representations of the applicants for getting 90% of the advance was forwarded to the C.P.M.G. But in consideration of the long standing practice in that office the CPMG declined to interfere in the matter. On the above grounds respondents have opposed the prayer of the applicants in the both the O.A.s

We have gone through the relevant rules, which merely provide that advance upto 90% can be sanctioned in case of proposed L.T.C. journey. This is ~~in the issue~~ would mean that the advance is limited to 90% and there is no right vested on the applicants to get 90% of the advance. Applicants have stated that 90% of L.T.C. advance is being sanctioned in respect of the employees working in the office of the C.P.M.G. We note that respondents have ~~denied~~ stated and this has not been denied by the applicants by filing any rejoinder that in the office of the Deputy Director(Acts), Postal Cuttack, the longstanding and ~~irreversible~~ ^{unvariable} ~~way~~ practice is for granting 90% of advance in two instalments, i.e. 45% at the 1st instance for purchasing outward ticket and after production of the outward journey ticket, the next 45% for purchasing return ticket is sanctioned. As this has been the ~~exact~~ longstanding practice in the office of the Dy.Director(Acts), Postal and as under the relevant rules, applicants have no right to get 90% of the L.T.C. advance, as held above, they cannot claim that they should be given 90% of the advance at one instalment.

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Admittedly the maximum limit of advance of the total estimated cost is 90% and the amount at the 1st instalment sanctioned to the applicants is 45% for purchase of outward ticket. In view of this, with the 45% of the advance sanctioned in their favour, there was no difficulty on their part to purchase the outward tickets, after production of which they could as well be ~~sanctioned~~ ^{released} next instalment of 45% for purchase of return tickets. In consideration of the above we hold that the applicants are in no way prejudiced. Moreover, the Block Years from 1994-97 is over long since and the extended period till December, 1998, is also over. The applicant approached the Tribunal in November, 2000. Therefore, they are not entitled to sanction of any L.T.C. advance relatable to the Block Years 1994-97. It is submitted by the learned counsel for the petitioners that representations filed by the applicants to the Member (Personnel), Postal Board are still pending and therefore, a direction be issued to Res.2 to dispose of those representations within a stipulated time frame. The Tribunal cannot act as a recommending authority at the instance of the applicant. In any case it is open for Res.2 to dispose of those representations, if he so desire, after disposal of these Original Applications.

In view of discussions held above, we are of the opinion that the applicants in both these two O.A. have not been able to make out a case for any of the reliefs prayed. Both the O.A.s are held to be without any merit and the same are dismissed, but without any order as to costs.

MEMBER (JUDICIAL)

S. Somnath, M.
VICE-CHAIRMAN
21.3.2000

Four copies of
Final order
H. 21.3.2001
issued to counsel
for both sides.

26/3/01

S. S. 26/3