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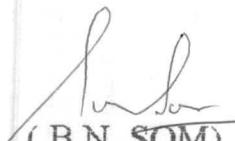
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 798/02
Cuttack, this the 12th day of January, 2004

Shri Dilip Kar Applicant
Vrs.
Union of India & Others Respondent

FOR INSTRUCTIONS

(1) Whether it be referred to the Respondents or not? *No*
(2) Whether it be circulated to all the Benches of the Central
Administrative Tribunal or not? *Yes*


(B.N. SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.798 /02

Cuttack, this the 12th day of January, 2004

CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN

Shri Dilip Kar, aged about 40 years S/O- Mr. Govinda Chandra Kar of Nayagarh Town/Dist-Nayagarh, At present working as Assistant Administrative Officer, At-National Research Centre for Women in Agriculture. A Unit of Indian Council of Agriculture & Research, At-Khandagiri, Bhubaneswar, Dist-Khurda.

..... Applicant.

By the Advocate(s) M/s Akhay Ku. Mishra
B.N. Swain

-Vrs-

1. Indian Council of Agriculture & Research Represented through Director General At-Krishi Anusandhan Bhavan, PUSA, New Delhi-110 012.
2. Deputy Director General (AE), Indian Council of Agriculture & Research, At-Krishi Anusandhan Bhavan, PUSA, New Delhi-110012.
3. Director, National Research Centre for Women in Agriculture, At/PO-Khandagiri, Bhubaneswar,
4. Drawing & Disbursing Officer, National Research Centre for Women in Agriculture, At/Po-Khandagiri, Bhubaneswar.

..... Respondent(s)
By the advocate(s) Mr. S.B. Jena,
M/s- N.B. Chainy
J. Choudhury,
M.G. Dora

ORDRE

SHRI B.N. SOM, VICE-CHAIRMAN: Shri Dilip Kar, presently working as Assistant Administrative Officer at National Research Centre for Women

in Agriculture has filed this O.A. challenging the order dt.29/30 April 2002 forfeiting his All India LTC claim under LTC Rules.

2. The applicant had applied for All India LTC advance to travel to Ooty in May, 2000. He was allowed to draw an amount of Rs.14,000/- as advance of LTC on 26.05.00. It is submitted by him that he had purchased 2 & 1/2 tickets to travel by AC 3 Tier by Koromondal Express to Chennai. However, he could finally secure reservation for him and his family in 2 Tier Sleeper Class only. After returning from tour with family he sought clarification from Respondent No.2 on 12.06.2000 regarding depositing the unspent amount of advance drawn by him, as the Railway Administration had not refunded Rs.1500/- on account of non confirmation of reservation of his tickets to travel by AC 3 Tier. He had to carry the matter to the Railway Claims Tribunal who on 12th December 2001 was pleased to allow the claim of the applicant and directed the Railway Authority to refund the amount of Rs.1500/- with cost to him. It was on account of this delay in obtaining refund of the amount from the Railway authority that he could not submitted his LTC bill adjusting the advance taken by him on 26.05.2000. However, on 31.03.01 he deposited the balance amount of Rs.3760/- with Respondent No. 4. He further submits that he had kept Respondent No.3

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apprised of the delay in submission of his adjustment bill by his letter dated 31.12.01. He further submits that in spite of his keeping the authorities informed about the cause of delay in submission of the settlement bill the Respondents penalised him by recovering from him the entire amount of advance and forfeiting his all India LTC claim.

3. The Respondents have stoutly contested this O.A. They have submitted that the O.A. is barred by limitation because the decision to forfeit his LTC claim was taken in the concerned file on 26.10.01 about which he came to know on 11.07.01 when he had put his initial in the concerned file as a token of having taken note of the decision. Further, that the applicant had not exhausted the departmental remedies available under the service rules for redressal of his grievance. The Respondents have also denied that the applicant had ever brought to their notice the problem faced by him with the Railways with regard to his LTC Journey. No rejoinder to the counter has been filed by the applicant.

4. I have heard the Ld. Counsels for both the parties and have perused the records placed before me.

5. The short question is whether the impugned order at Annexure A-3 is sustainable in the eye of law. The said order dated 29/30.04.2002 was issued on the strength of Rule 14 and 15 (VI) of the CCS (LTC) Rules. In

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terms of the LTC Rules the Govt. servant is duty bound to submit LTC journey bill in adjustment of advance taken within one month of his undertaking the journey. In certain circumstances Head of the Department may allow extension of time to an employee for which a written request is to be submitted to that effect. In this case the admitted facts are that the applicant had drawn the advance on 26.05.00, had undertaken the journey on 03.06.00 and therefore he was duty bound to submit the requisite bill within one month thereafter. The fact is that he neither submitted the bill within the stipulated period nor did he approach the competent authority to grant him extension of time for this purpose. It is also the case of the Respondent that the applicant had never disclosed that his parents will not travel with him when he applied for LTC advance for journey to Ooty with his family which included his parents but that they would separately travel to Mumbai. As the applicant had failed to follow the conditions for availing of LTC facility the order passed by Respondent No.4 at Annexure-3 cannot be assailed on any ground. It is further submitted by the Respondent that the applicant himself at that point of time was working as Drawing and Disbursing Officer of this organization. That being the case it was highly irregular on the part of the applicant to have behaved in the manner that he

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had done in the matter for availing LTC facility for which he deserves to be taken to task.

6. During the oral submissions it was submitted by the Ld. Counsel for the applicant that as the applicant had already deposited Rs.3750/- the Respondents be directed to refund that amount recovered from him as they had already recovered the entire amount of advance for Rs.14,000/- from his pay with interest. I accordingly, direct the Respondent to scrutinize the amount refunded by the applicant and the amount recovered by them and if in the process any amount in excess of Rs.14,000/- plus interest has been recovered from the applicant, the same should be refunded to him. The O.A. is accordingly disposed of with the aforesaid direction. No costs.



B.N. SOM
VICE-CHAIRMAN

CAT/CTC
Kalpeshwar