

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Date of order: 02-09-2010

PRESENT:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

In the Matter of

O.A. No.621/2009

Namita Manjari Sahoo ... Applicant

Versus

Union of India & Ors. ... Respondents

(For Full details, see the enclosed cause title)

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For Applicant: M/s.T.K.Mishra, S.Mohapatra, Counsel

For Respondents: Mr.S.Mishra, ASC

ORDER

MR. C.R.MOHAPATRA, MEMBER (A):

Applicant's case in nut shell is that she is working as an Office Assistant of the Office of Senior Superintendent, RMS 'N' Division, Cuttack. She availed of All India LTC for herself and her family members, for the block year 2006-2007 from Cuttack to Risikesh via Haridwar and inward journey from Risikesh to Cuttack via Delhi w.e.f. 07-06-2009 to 17-06-2009. She booked the ticket for the aforesaid journey in Puri Haridwar Kalinga Utkal Express which moves from Puri to Haridwar via Nizamuddin. She traveled from Haridwar to Risikesh by another train in ordinary class. She undertook the inward journey from Risikesh to Haridwar in an Express train in second class and from Haridwar to New Delhi in Chair Car by Janasatabdi Express and returned from New Delhi to Cuttack by Delhi Puri Purusottam Express. On resumption to duty, she produced the LTC Bill for necessary sanction. The Senior Superintendent of RMS 'N' Division, Cuttack deducted Rs.1334/- from the total claim of the applicant on the ground that the return journey from Rishikesh to Cuttack via Delhi was by shortest route but the fare claimed was

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more than the fare of outward journey in a through ticket over longer route. Therefore, it was restricted to the lower fare. Being aggrieved by such deduction of the amount she submitted representation. The said representation was rejected and reason of such rejection was communicated to the applicant in letter dated 31.7.2009 and 9.12.2009.

According to her, the deduction and reason of rejection is clear misrepresentation/ misinterpretation of the Rules and Government of India instruction available on the subject. Her stand is that the deduction and reason of rejection is opposed to the provision 4(f) of CCS (LTC) Rules as also GID (5) dealing with 'by shortest route' and Rule 13 of GID (I) under Chapter VIII dealing with Calculation of claims. Her further claim is that she is entitled to her journey under LTC from 1.9.2008 in Rail by First Class/AC 3 tier/AC Chair Car by train as per para 1(A) journey by Air/Rail below GOI's decision in term of Department of Personnel and Training OM No. F.31011/4/2008-Estt.(A) dated 23.09.2008 and GI MF OM No.F.19030/3/2008 E.IV dated 23.09.2008. The LTC Rule 7 GID (I) under head different classes in the same journey provides that a Government servant may travel in a lower or higher class but Govt.'s assistance would be limited to the fare of the accommodation of the entitled class and /or the lower class to the extent actually used and in term of point 19 under chapter XVIII 'the Rules at a glance' reimbursement is allowed to the entitled class or actually traveled class whichever is less. Next stand of the Applicant is that as per the provision at point 5,8,9 and 12 of para 9 below the GOI decision under head 'classification' and DOP & Training OM No.31011/8/98-Estt.(A) dated 31.3.1999 and C& AG of India Circular No. 188 Audit -1-7-90/Ch.III-92(34) dated 20.5.1992 dealing with 'Regulation of LTC claims when journey was performed by a longer route in different classes/modes of transport' she was entitled to get all the amounts claimed in

LTC and deduction of the amount and rejection of claim was highly illegal, arbitrary and contrary to the provision of Rules.

Hence by filing this Original Application under section 19 of the Administrative Tribunals Act, 1985, the Applicant seeks to quash the letter of rejection dated 31.7.2009 and 9.12.2009 and to direct the Respondents to refund her the deducted amount of Rs.1334/-.

2. By filing counter Respondents opposed the contention of the Applicant made in this Original Application. According to the Respondents the Applicant submitted LTC bill amounting to Rs.16552/- both for outward and inward journey, against advance amount of Rs.14760/- taken by her for this purpose. The Applicant in her outward journey traveled in a longer route than her inward journey on a through ticket i.e. from Cuttack to Haridwar and Haridwar to Rishikesh but the inward journey of the applicant though covered in shortest route via New Delhi the same was not a through ticket i.e. from Haridwar to Cuttack with reservation from Haridwar to New Delhi in Janasatabdi Express and New Delhi to Cuttack in Purusottam Express that would have allowed the applicant to pay less than what she paid for her inward journey. But the ticket produced by the applicant is not a through ticket due to which the applicant had to pay more for splitting of the ticket. The reimbursement of her claim was done in accordance with the CCS (LTC) Rules, 1988. As per Rule 13 of the said rules reimbursement for expenses of journey shall be allowed only on the basis of a point to point journey on a through ticket over the shortest direct route as described vide sub section 14 of section I of Swamy's compilation of CCS (LTC) Rules reprinted in 2010. The applicant may travel any route all over India or she may undertake her break journey at any place in her route but the calculation will be done as per Sub Section 1 of Section VIII of Swamy's Compilation of CCS (LTC) Rules

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reprinted in 2010. Though the applicant covered shortest distance but not paid the cheapest fare. Further contention of the Respondents is that the applicant started her inward journey on 13.06.2009 at 06.22 hours from Haridwar through Janasatabdi Express and reached at New Delhi on 13.06.2009 at 11.15 hours covering a distance 267 KM. She then started her journey from New Delhi to Cuttack on 16.06.2009 at 22.20 hours breaking her journey in enroute for two days excluding the arrival as well as departure day. But the said break journey was not permissible by the Railway authority as per the head 'Break of Journey' in the contents 'reservation' given in the passenger information in the time table of November, 2009 issued by SE Railway, ECoRly and SEC Railway. Hence the applicant made her break journey at her own risk and for which paid more than her outward journey. Taking all the facts narrated above the Respondent No.4 curtailed her claim of inward journey limited to her outward journey including the express fare of Rs.99/- paid from Rishikesh to Haridwar to Rs.7647 (Rs.7548 + Rs.99/-). Accordingly an amount of Rs.15218/- was sanctioned in favour of the Applicant. The representation of the applicant was rejected on the ground that Rishikesh to New Delhi route may be shortest but the fare is not cheapest and the official is eligible for AC Chair Car other than Janasatabadi Express which is a luxurious train claiming rich fare. Accordingly, Respondents prayed for dismissal of this OA.


3. Reiteration of the submissions made in their respective pleadings having been heard, perused the materials placed on record including the provision of the LTC Rules. In addition to the pleadings it was contended by Learned Counsel for the Applicant that the Respondents considered and rejected her representation with close mind without proper look to the Rules and GOI instruction relied on by her in the representation and, therefore, the order of rejection is liable to be set aside being bald and unreasoned. Further

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contention of the Applicant's counsel is that the claim of the applicant was not assessed/scrutinized with reference to the calculation made in GOI instruction I of the CCS LTC Rules (printed in Swamy's compilation at page 70) and had the Respondent No.4 applied the principle provided in the said GOI instruction, the amount of Rs.1334/- would not have been deducted from the LTC claim of the Applicant. As such it was contended by the Learned Counsel for the Applicant that ends of justice would be met if necessary direction be issued to the Respondent No.4 to consider/calculate the LTC claim of the applicant in the light of the said instruction of the GOI and communicate its decision in a reasoned order to the applicant within a stipulated period to be fixed by this Tribunal. Although it was vehemently opposed by Learned ASC appearing for the Respondents, I do not find any justifiability in the said opposition as all that the applicant seeks is for direction to the Respondents to reassess her claim with reference to the Rules/GOI instruction regarding the calculation which seems not to have been considered by the Respondents while rejecting the representation of the Applicant. For the aforesaid reason, the letter dated 31.7.2009 and 9.12.2009 communicating the reason of rejection to the applicant are hereby quashed/set aside and the matter is remitted back to the Respondents to consider the grievance/claim of the applicant with reference to the aforesaid Rules/GOI on calculation of the claim and communicate the out come of such calculation to the Applicant within a period of thirty days from the date of receipt of copy of this order. In the result with the aforesaid observation and direction this OA stands disposed of. No costs.


(C.R. Mohapatra)
Member(Admn.)