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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH
JODHPUR.

Date of Order 14.8.1995.

i) O.A. No. 62/1995.

Sajjan Singh

.....Applicant.

Vs.

Union of India & ors.

.....Respondents.

ii) O.A. No. 83/1995.

Chhagan Lal & 2 others

.....Applicants.

Vs.

Union of India & ors.

.....Respondents.

For the applicants -

Shri Vijay Mehta, advocate.

For the respondents -

Ms. Padmini Rathore, Brief holder for Shri J.P. Joshi, counsel for respondents.

O R D E R (ORAL)

(Hon'ble Shri N.K. Verma, Administrative Member

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Heard Shri Vijay Mehta, learned counsel for

the applicants and Ms. Padmini Rathore, Brief holder for Mr. J.P. Joshi, counsel for respondents.

2. In both the Applications, the applicants; Sajjan Singh (in OA 62/95) and Chhagan Lal, Nenaram and Virmaram (in OA 83/95) are civilian employees of the Armed Forces. The case of the applicants is that they were given L.T.C. advance by the competent authority for an All India Travelling in January/February, 1991 and they performed the L.T.C. journeys between 18.2.91 to 27.2.91. However, in the mean time, the Govt. of Ind

had decided to impose a ban on the travelling under the L.T.C. which was communicated by the Southern Command Army Headquarters on 13.3.91 and was received by the competent authority in this case on 28.3.91. The matter about regularisation of the expenditure incurred by the applicants under the L.T.C. was taken up by the authorities with the Army Headquarters which rejected the application on its own without forwarding the same to the Govt. for consideration. Thereafter, an Office Memo. was issued on 19.1.95 asking for the recovery of the L.T.C. advances paid to the applicants in four instalments from January, 95 onwards. The Applications are against this impugned order praying for quashing of the same and for passing the L.T.C. bills preferred by the applicants and payment of the balance amount due to them.

3. Shri Vijay Mehta brought to notice the Govt. instructions (Annexure A/3) issued on 3.4.1991. Para 5 of these instructions reads as under:-



"In respect of cases where journeys undertaken on or after 23.1.1991 because the orders had not reached the office of the employees concerned before commencement of the journey each case will have to be considered on merits and forwarded to this office for obtaining relaxation from the Government of India. Detailed reasons and specific recommendation in each case may be sent with approval of Accountant-General Principal Director of Audit."

While this order was issued by the C.&A.G., New Delhi, there is a reference to the clarification received from the Department of Personnel and Training, on the points raised by the field offices relating to the suspension of the LTC upto 31.3.1991. It is not known

if the clarifications issued by the Department of Personnel and Training were also circulated to the Ministry of Defence and other Ministries of the Govt. of India. However, in view of the fact that the ban on the LTC was imposed by the Govt. of India any difficulty arising out of this ban had to be brought to the notice of the Department of Personnel and Training, Nodal Ministry, which issued the orders for clarifications necessary in this regard. It is seen that the Armed Headquarters on its own rejected the claims of the applicants without applying its mind and referring the matter to the concerned competent authority in the Govt. of India.

4. Ms. Padmini Rathore arguing on behalf of the respondents was not able to produce any reference made by the Army Headquarters to the Ministry of Defence, stating the special facts and circumstances of the case, and seeking relaxation of the ban imposed thereon. It is an admitted fact that applicants undertook the journeys on LTC much before the orders relating to ban were received by the field offices



like the one where the applicants were working. The applicants have already performed the journeys about a month before the actual receipt of the orders by Respondent No. 2 i.e. the Commandant, 6 F.O.D.

Clearly, the impugned order dated 19.1.95 directing the recovery of the LTC advances is in gross violation of principles of natural justice and administrative law.

5. The applicants had made bonafide journeys on LTC after obtaining advances from the respondent.

If the respondent had acted promptly after receipt of the orders, even then could not have stopped the journey which had already been performed by the applicants. Having once obtained the concession of LTC, it is rather strange that the respondent would like to recover the entire amount from the applicants without even giving them notice for the proposed action and for asking the show cause. The balance of convenience is tilting on the side of the applicants who should be given the benefit of the journeys already performed by them as they were not in know of the ban imposed under Govt. instructions from 23.1.1991. The respondents had also not brought to their notice the applicability of the ban orders on them. Therefore, they are clearly blameless in the matter. The impugned order, therefore, deserves to be quashed.

6. The O.As. succeed and I hereby direct that the impugned order dated 19.1.1995 is quashed and the LTC bills of the applicants, if already submitted will be processed as a special case in view of the peculiar facts and circumstances of the case. This direction should be complied with within 2 months of the receipt of this order by Respondent No. 2.

There will be no order as to costs.

N.K.Verma
(N.K. VERMA)
ADMINISTRATIVE MEMBER