

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 11.12.97

OA 281/97

K.C.P.Singh, Senior Assistant Controller of Mines, Indian Bureau of Mines, Udaipur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Mines, Shastri Bhawan, New Delhi.
2. Secretary, Ministry of Pension, Public Grievances and Welfare, Department of Personnel & Training, North Block, New Delhi.
3. The Controller of Mines (North), Indian Bureau of Mines, I BM Colony, Balupura Road, Adarsh Nagar, Ajmer.
4. Regional Controller of Mines, Indian Bureau of Mines, Hiranmangri Sector-II, Udaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.J.K.Kaushik

For the Respondents

... Mr.Vinit Mathur

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, K.C.P.Singh, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs :-

"i) That if the impugned OM dated 11.1.95 (Annex.A/3) was applicable only to the availing of LTC for journey to any place in India only and not to Hometown during the grace period, the same is unconstitutional to the extent of its non-applicability to the journey to Hometown being discriminatory and arbitrary. The same deserves to be modified accordingly by making it applicable to the LTC facility for journey to Hometown also during the grace period in question.

ii) That the impugned order dated 26.3.96 (Annex.A/1) passed by 3rd Respondent and order dated 29.7.97 (Annex.A/2) directing refund of LTC advance may be declared illegal and the same may be quashed and applicant allowed all consequential benefits.

In the alternative

The respondents may be directed to adjust the LTC already availed by the son of applicant against next due LTC for the block of two year i.e. 1994-95 which was not availed of and no recovery be effected.

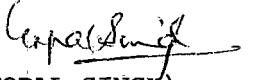
CKM/AM

iv) That any other direction, reliefs or orders may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case.

v) That the costs of this application may be awarded."

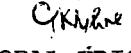
2. Heard the learned counsel for the parties.

3. The learned counsel for the applicant has produced a copy of a letter dated 20.9.97, which has been taken on the record of this case. This letter indicates that in terms of the impugned Office Memorandum dated 11.1.95, Leave Travel Concession can be availed for journey to the Hometown during the grace period also. The grievance of the applicant has been redressed vide this communication, referred to above. This application, therefore, does not survive for consideration. It is dismissed. No order as to costs.


(GOPAL SINGH)

ADM. MEMBER

VK


(GOPAL KRISHNA)

VICE CHAIRMAN