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**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 38/2004

Date of order: 08.12.2004

CORAM:

THE HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN

D.R. Sharma S/o Sh. Rama Kishan Sharma, aged about 57 years, Resident of Plot No. 62, Central School Scheme, Airforce Area, Jodhpur, At present posted as Senior Engineering Assistant, All India Radio, Paota-C-Road, Jodhpur.

.Applicant.

Mr. Rajendra Singh, Advocate for the applicant.

VERSUS

1. The Union of India through the Secretary, Deptt. of Information and Broadcasting, Govt. of India, New Delhi.
2. The Station Director, Radio Kashmir (Srinagar) Head Quarter-Jammu.
3. The Superintending Engineer, All India Radio (AIR), Akashvani, Paota-C-Road, Jodhpur.

.....Respondents

Mr. Deependra Singh, Advocate brief holder for
Mr. Ravi Bhansali, counsel for the respondents.

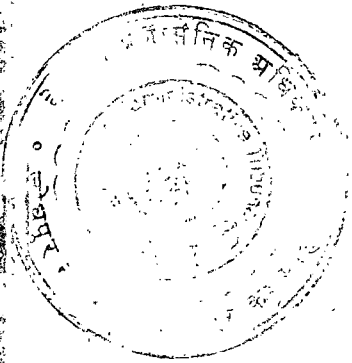
ORDER (ORAL)

:PER HON'BLE MR. KULDIP SINGH, VC:

The applicant, Shri D.R. Sharma, has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 assailing the order dated 18th December 2003, passed by the Administrative Officer for Superintendent Engineer, copy of which is at Annexure A/1. According to this impugned order, the applicant had withdrawn LTC advance of Rs.20,000/- as well as TA Advance of Rs.2000/- in the month of October, 1999 and

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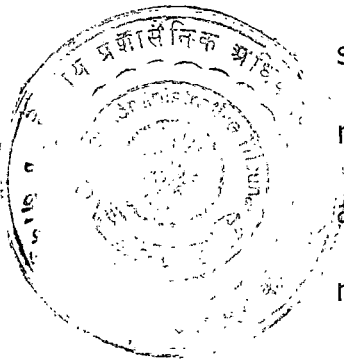
June 1998, respectively, while he was posted at Radio Kashmir Srinagar (Jammu Headquarter). According to the correspondence issued to the Prasar Bharti Corporation of India (Akashwani), Jodhpur by the Radio Kashmir – Jammu (Annexure A-2), LTC advance of Rs. 20000/- as well as TA Advance of Rs. 2000/- remains unsettled against the applicant and the said amount is required to be recovered with penal interest. The applicant submitted that the LTC advance had already been settled and the advance for Rs. 2000/- on account of TA Advance taken in the year 1998 had also been settled at the time of his transfer from Radio Kashmir, Srinagar (H.Q. Jammu) to AIR, Jodhpur. It is also submitted that after availing the LTC the applicant returned on 06.12.1999 and he was sent on an official tour on the very same day of his return from the trip i.e. 06.12.1999 and the applicant returned from the official tour on 10.01.2000. On return from the official tour, he submitted the bills for settlement of LTC Advance well in time and the applicant presumed that his bills had been settled at the time of his relieving from Jammu on transfer to Jodhpur. However, no document has been shown whether the applicant had settled the account at Jammu Office before his being relieved from Jammu Office nor any documents have been placed that he had submitted bills well in time. After transfer of the applicant, the applicant received the last pay certificate dated 01.09.2000 in which it was mentioned that a LTC advance of Rs. 20,000/- was given to him which has not yet been adjusted and the same is still outstanding and the advance given to him of Rs. 2000/- for



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another official tour for the departmental examination in the year 1998 has also not been adjusted and remains outstanding so far. This LPC was issued on 01.09.2000 but the applicant did not put his objection regarding the said advances being shown outstanding in the LPC and it is only after recovery order has been issued against him that he has cared to object and move an application seeking stay of the recovery.

2. On the other hand, the learned counsel for the respondents has pleaded that the applicant neither submitted the bills on his return from the alleged LTC nor he submitted the details of the journey performed by him. Had the applicant submitted the details in the office as alleged by him, the same must have been diarised as per the usual practice in the office and by now the claim of the applicant has not been settled. As regards the amount of 2000/- withdrawn by the applicant on account of TA advance for the purpose of departmental examination is concerned, the applicant stated that the said amount had been deducted from his salary but no documents have been placed to justify that actually the amount was recovered and also no ^{documentary} proof has been placed ^{or record} to show that the applicant had submitted LTC bills within prescribed period nor he has placed any record/proof by which the amount has been recovered. Hence, in the absence of any documents, it is not possible to presume that the applicant had submitted the bills in time and the amount outstanding shown in LPC has been recovered. The applicant has failed to show any



proof/documents in support of his contention that he had submitted the bills in time, so I have to believe the averments made in the counter affidavit filed by the respondents that had the claim been submitted well in time by the applicant, the same must have been settled by now. Since there is no document to show that applicant utilised the advanced drawn by him for the purpose, no fault can be found with the action of the respondents in making recovery. In view of this, the Original Application has no merits and the same is dismissed accordingly.

No costs.


(KULDIP SINGH)
VICE CHAIRMAN

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Copy Received

Re
14/12/04

RIC
sub 11000
14/12/04
Per - Killeel meeting,
Adm

Part II and III destroyed
in my presence on 31/10/13
under the supervision of
section officer (J) as per
order dated 18/10/2013

J.R. Glen
Section officer (Record) 31.10.2013