CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR

Original Application Nos. 259, 261, 262, 263, 264, 265, 266, 267, 268, 269 and 272 of 2010

Date of Order: 06.10.2010

CORAM:
HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER

(1) **OA No. 259/2010**

J.P. Shringi son of Shri Mathura Lal, aged 50 years, Scientific Assistant/F, Heavy Water Plant (Kota), Anushakti, District Chittorgarh, R/o J 30 A, Heavy Water Colony, Bhabha Nagar, Rawatbhata, District Chittorgarh.

....Applicant

(2) **OA No. 261/2010**

J.K. Nayak son of Shri Kapileshwar Nayak, aged 52 years, Technician/G, Heavy Water Plant (Kota), Anushakti, District Chittorgarh, R/o Block 25/146, Heavy Water Colony, Bhabha Nagar, Rawatbhata, District Chittorgarh.

....Applicant

(3) **OA No. 262/2010**

Ratan Lal son of Shri Narain Lal, aged 41 years, Technician/G, Heavy Water Plant (Kota), Anushakti, District Chittorgarh, R/o Block 22/196, Heavy Water Colony, Bhabha Nagar, Rawatbhata, District Chittorgarh.

....Applicant

COMPARED & CHECKED

(4) **OA No. 263/2010**

Vikash Sharma son of Shri Surendra Singh, aged 46 years, Technician/G, Heavy Water Plant (Kota), Anushakti, District Chittorgarh, R/o Block 24/140, Heavy Water Colony, Bhabha Nagar, Rawatbhata, District Chittorgarh.

....Applicant

(5) **OA No. 264/2010**

C B Verma son of Shri Sukh Lal, aged 56 years, Technician/G, Heavy Water Plant (Kota), Anushakti, District Chittorgarh, R/o Block 66/436, Heavy Water Colony, Bhabha Nagar, Rawatbhata, District Chittorgarh.

....Applicant

(6) **OA No. 265/2010**

Jagdish Singh son of Shri Rampal Singh, aged 52 years, Technician/G, Heavy Water Plant (Kota), Anushakti, District

Chittorgarh, R/o Block 42/249, Heavy Water Colony, Bhabha Nagar, Rawatbhata, District Chittorgarh.

....Applicant

(7) **OA No. 266/2010**

Bhagwan Lal son of Shri Hem Raj, aged 43 years, Technician/F, Heavy Water Plant (Kota), Anushakti, District Chittorgarh, R/o Block 20/115, Heavy Water Colony, Bhabha Nagar, Rawatbhata, District Chittorgarh.

....Applicant

(8) **OA No. 267/2010**

H K Berwal son of Shri Goma Ram, aged 50 years, Technician/H, Heavy Water Plant (Kota), Anushakti, District Chittorgarh, R/o Road H/15, Heavy Water Colony, Bhabha Nagar, Rawatbhata, District Chittorgarh.

....Applicant

(9) **OA No. 268/2010**

R K Gautam son of Shri Niranjan, aged 48 years, FM/B, Heavy Water Plant (Kota), Anushakti, District Chittorgarh, R/o H/16, Heavy Water Colony, Bhabha Nagar, Rawatbhata, District Chittorgarh.

....Applicant

(10) **OA No. 269/2010**

Vishnu Lal son of Shri Devi Das, aged 57 years, Technician/G, Heavy Water Plant (Kota), Anushakti, District Chittorgarh, R/o Block 66/442, Heavy Water Colony, Bhabha Nagar, Rawatbhata, District Chittorgarh.

....Applicant

(11) **OA No. 272/2010**

Shoukin Singh son of Shri Sher Singh, aged 59 years, Technician/G, Heavy Water Plant (Kota), Anushakti, District Chittorgarh, R/o J 24 A, Heavy Water Colony, Bhabha Nagar, Rawatbhata, District Chittorgarh.

....Applicant

Mr. Vijay Mehta, counsel for applicants in all OAs.

VERSUS

1. Union of India, through the Secretary to Government of India, Ministry of Atomic Energy, 4th Floor, Anushakti Bhawan, CS Nagar, Mumbai.

2. General Manager, Heavy Water Plant (Kota), Anushakti, District Chittorgarh.

3. Administrative Officer, Heavy Water Plant (Kota), Anushakti, District Chittorgarh.

....Respondents in all OAs.

Mr. M. Godara, proxy counsel for
Mr. Vinit Mathur, counsel for respondents in all OAs.

ORDER (oral)
Per Mr. Justice S.M.M. Alam, Judicial Member.

O.A. No. 259/2010 is taken up for hearing along with O.A. Nos. 261/2010, 262/2010, 263/2010, 264/2010, 265/2010, 266/2010, 267/2010, 268/2010, 269/2010 and 272/2010, as common question of facts and law are involved in all these O.As mentioned above.

2. It has been pointed by the learned advocate of the respondents that in all the above mentioned cases stay is operating and as such it is desirable that all the above mentioned cases be heard on priority basis.

3. Mr. Vijay Mehta, learned advocate appearing for the applicants in all the cases agreed to argue the case on merits and submitted that the above mentioned cases can be disposed of without obtaining reply of the respondents as a very small issue is involved in all these cases. The learned advocate of the respondents had also agreed to argue the cases and accordingly all the cases were heard together and are being disposed of by this common order passed in O.A. No. 259/2010.

4. All the above OAs were filed for quashing of Annex. A/1 dated 26.07.2010 and Annex. A/2 dated 04.09.2010, whereby the respondents have ordered to recover the excess amount drawn by the applicants towards LTC Advance.

5. The brief facts of the case are as follows:

The Union of India, issued OM No. 31011/4/2007 -Estt (A) dated 02.05.2008 (annex. A/3) granting relaxation for travel by air to visit North Eastern Region ('NER' for short) under LTC. The applicants who are central government employees [being employed in Heavy Water Plant, (Kota)], submitted their applications to respondent Nos. 2 & 3 for their journey to NER on LTC. Thereafter, the respondents calculated the Air fare in economy class and accorded sanction of LTC Advance to all the applicants as per the details given below:

1) Shri. J.P. Shringi	**Rs, 1,79,200**
2) Shri J.K. Nayak	**Rs.1,41,000**
3) Shri Rattan Lal	**Rs.1,79,200**
4) Shri Vikas Sharma	**Rs.1,42,000**
5) Shri C.B. Verma	**Rs.1,07,000**
6) Shri Jagdish Singh	**Rs.1,79,000**
7) Shri Bhagwan Lal	**Rs.1,41,000**
8) Shri H.K. Berwal	**Rs.1,07,000**
9) Shri R.K. Gautam	**Rs.1,07,500/-**
10)Shri Vishnu Lal	**Rs,1,41,000/-**
11) Shri Shoukin Singh	**Rs.1.07,500/-**

Accordingly, the applicants purchased the Air ticket and performed their journey and after their return to Kota, they

submitted final bills. Respondent No. 3 informed the applicants that the Pay & Accounts Officer, had intimated that the applicants have drawn excess amount towards LTC advance which should have been settled as per the guidelines contained in OM No. F. No. 7(1) /E Co.ord/2008 dated 10.11.2008 and 04.12.2008 and accordingly the applicants were asked to deposit the excess amount, as per details given below

1) Shri. J.P. Shringi	**Rs. 88,763/- + penal interest.**
2) Shri J.K. Nayak	**Rs. 62,509/- + penal interest.**
3) Shri Rattan Lal	**Rs.80,940/- + penal interest.**
4) Shri Vikas Sharma	**Rs. 63,754/- + penal interest.**
5) Shri C.B. Verma	**Rs. 49,088/- + penal interest.**
6) Shri Jagdish Singh	**Rs. 82,937/- + penal interest.**
7) Shri Bhagwan Lal	**Rs. 62,525/- + penal interest.**
8) Shri H.K. Berwal	**Rs. 48,176/- +penal interest.**
9) Shri R.K. Gautam	**Rs. 48,016/ + penal interest.**
10)Shri Vishnu Lal	**Rs,,65,008/- + penal interest.**
11) Shri Shoukin Singh	**Rs.48,004/- + penal interest.**

6. The applicants being aggrieved by the orders of recovery have challenged the said orders by way of filing the above O.As.

7. The learned advocate of the applicants contended that a perusal of annex. A/4 would reveal that after the applicants filed their request for granting LTC advance to NER as per circular dated 02.05.2008, the authorities concerned, i.e. the Assistant Personnel Officer, Heavy Water Plant, Kota calculated the charges of Air fare and accorded sanction to grant advance as per calculation and

after sanction of the LTC advance, the applicants have purchased the air ticket and performed their journey. His further submission is that the applicants had no knowledge of OMs dated 10.11.2008 and 04.12.2008 (Annex. A/5 and A/6) and even these OMs were not available with the concerned authorities prior to the date of sanction of LTC advance, as the same was sanctioned to the applicants as per OM dated 02.05.2008 (Annex. A/3). The learned advocate further submitted that the journey had already been performed by the applicants. He further contended that LTC advance was sanctioned to them only after scrutiny of the applications by sanctioning authority and as such the respondents are not legally entitled to make recovery of the alleged excess amount as per OMs dated 10.11.2008 and 04.12.2008.

8. The learned advocate of the respondents submitted that the recovery of the excess amount has been rightly ordered in view of OMs dated 10.11.2008 and 04.12.2008 (Annex. A/5 & A/6), but conceded that the LTC advance was duly sanctioned to them by the competent authority and that the order of recovery was passed after the applicants had performed their journey.

9. Having considered the arguments of both sides and after going through the OAs and the documents annexed with the OAs, I find that all the applicants were duly permitted to avail the LTC to travel to NER by the competent authority and the competent authority had accorded sanction of LTC advance. I further find that

1/13

the order of recovery of alleged excess amount was passed by the authorities after the applicants had already performed their journey to NER under LTC. This shows that the applicants were not at fault and performed their journey in Economy class by the order of competent authority. They have not made any false representation and therefore, I am of the view that the respondents are not justified in ordering recovery from the salary of the applicants towards the alleged excess amount, since the LTC advance was sanctioned to them by the competent authority after thorough scrutiny of the request of the applicants.

10. In the result, I find merit in all the OAs and as such they are hereby allowed and the respondents are restrained from making any recovery from the salary of the applicants towards alleged excess amount paid to the applicants in respect of their LTC claim. No order as to costs.

Registry is directed to keep the original order in O.A. No. 259/2010, and photocopies in all other OAs mentioned above.

Sd—
[Justice S.M.M. Alam]
Judicial Member.

jsv

CERTIFIED TRUE COPY
Dated 18/1/12

अनुभाग अधिकारी (न्या.)
Section Officer (Judl.)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जोधपुर न्यायपीठ जोधपुर
Jodhpur Bench Jodhpur

दिनांक 17/11/15 के आदेशानुसार
मेरी अनुपस्थिति में दिनांक 11/2016
को भाग-II व III पृष्ठ किए गए।

अनुभाग अधिकारी
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर न्यायपीठ, जोधपुर