

12

✓

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.590/2011

Jodhpur this the 10th day of July, 2013

CORAM

**Hon'ble Mr. Justice Kailash Chandra Joshi, Member (J),
Hon'ble Ms. Meenakshi Hooja, Member (A)**

Bhanu Pratap Singh S/o Late Shri Satyanarain Pal Singh, aged about 64 years, R/o Behind Oil Mill, Gali No.14, Rampura Basti, Bikaner, Rajasthan. Retired from the post of Senior Scientist in the office of Central Arid Zone Research Institute, Regional Research Station, Bikaner, Rajasthan.

.....Applicant

(Through Advocate Mr. S.K. Malik)

Versus

1. The Indian Council of Agriculture Research through its Secretary, Agriculture Research & Education, Kirshi Bhawan, New Delhi.
2. The Director, Central Arid Zone Research Institute, Jodhpur.
3. The Assistant Administrative Officer, Central Arid Zone Research Institute, Regional Research Station, Bikaner, Rajasthan.

.....Respondents

(Through Advocate Mr. Ashok Chhangani)

ORDER (Oral)

Per Justice K.C. Joshi, Member (J)

By way of this application, the applicant has challenged the legality of the order at Annexure-A/1 dated 26.06.2011 and prayed for appropriate directions to the respondents to make the payment of the TA claims amounting to Rs.10494/- and less payment of

22

LTC claim amounting to Rs.6892/- along with interest @ 12% per annum. The applicant has also sought the directions to direct the respondents to pay exemplary costs for causing due harassment.

2. The short facts of the case as averred by the applicant are that the applicant Shri Bhanu Pratap Singh while working on the post of Senior Scientist in the respondent department took LTC advance of Rs.18000/- from the office of respondent No.3 and submitted a LTC claim amounting to Rs. 18912/- on 18.08.2006 for the journey period from 03.08.2006 to 14.08.2006 in the respondent department. That LTC claim was misplaced by the office of the respondent No.3 and the respondent No.3 instead of pursuing the claim of the applicant, deducted the amount of Rs.19260/- from salary of February, 2007 of the applicant without any notice. This amount was deducted without any fault on the part of the applicant. The applicant submitted a duplicate LTC claim along with necessary documents but instead of making full making of Rs.19260/- as deducted from the salary of the applicant, the respondents made the payment of Rs. 12368/- through bank account of the applicant, which was credited in his account on 24th April, 2008. It has been averred in the application that although Committee of CAZRI, RRS, Bikaner has decided to release full payment of LTC, and the applicant has also filed a representation dated 12.5.2008 for making the full payment, and likewise the applicant submitted TA bill for temporary duty to Jodhpur for

29

attending SRC meeting at CAZRI Jodhpur. But the payment of the above bills has not been made in spite of the several representations and reminders. Therefore, by way of this application, the applicant has sought the above mentioned relief.

3. The respondents by way of reply averred that the Finance and Audit Branch of the Head Office, Jodhpur, refused to make the payment on legal grounds because the Railway tickets of the LTC made were not filed by the applicant and regarding TA claims on enquiry for the payment of TA bills, it was found that the applicant availed facility of Air Cooler Room and he charged for the reimbursement of Air Condition Room of Sadguru Hotel & Restaurant, Jodhpur. The respondentsⁱⁿ their reply have averred that the claim of the applicant was rejected for legal reasons and as per rules.

4. Heard both the parties.

5. Counsel for the applicant contended that the applicant is a retired person and he is being harassed by the respondent department without any reasonable cause, and his genuine claims for LTC and TA bills were rejected, and he has been finally informed by Annexure-A/1 that he is not entitled to get any excess payment already paid by the respondent department and they have also referred a letter dated 19.05.2011 issued by the Assistant Administrative Officer of the respondent department.

2

6. Counsel for the applicant further contended that so far as the bill issued by the Sadguru Hotel & Restaurant is concerned, the same have been obtained by the respondent department behind the back of the applicant and he has not been provided the copy of the same for any reply or explanation, and without any reasonable cause the payment of TA bill has not been made and the amount has been deducted from his LTC claim.

7. Per contra, counsel for the respondents contended that the Annexure-A/1 is not a letter of denial of any claim of the applicant but by way of Annexure-A/1 the applicant had been informed that vide letter dated 19.05.2011 by which the application filed by the applicant under Right to Information Act has been replied and further he has been asked to contact the Finance and Audit Account Officer or Director of CAZRI, Jodhpur, if he is not satisfied regarding the non-payments of any amounts. Counsel for the respondents further contended that the applicant has never approached the Finance and Audit Account Officer or Director of CAZRI, Jodhpur and directly approached this Tribunal by way of filing of this OA and still the department is ready to settle his claim as per the Rules.

8. We have considered the rival contentions of both the sides and also perused the documents presented by both the parties. It is correct that the applicant has claimed reimbursement of TA bills for

the AC rooms and the department has obtained a letter from Sadguru Hotel & Restaurant regarding availing of the facility of Air Cooler Room, but the copy of the same has not been provided to the applicant nor the applicant has given opportunity to explain the circumstances under which he submitted his claim mentioning the availing of the facility of the AC Room. Patently there is a contradiction in both the bills submitted by the applicant and the documents supplied by the Sadguru Hotel and Restaurant to the respondent department. In addition, it is also a question of fact that whether the applicant has submitted all the relevant documents for his claim of LTC to the respondent department. In view of these disputed facts and non-giving of opportunity to the applicant to explain the circumstances and further non-filing of representation by the applicant before the Finance and Audit Accounts Officer or Director of CAZRI, Jodhpur, we are proposing to dispose of this application, while partially setting aside the Annexure-A/1, with the directions to the respondents No.2&3 to give sufficient opportunity of hearing to the applicant and to also provide all the documents available with them regarding his claims. The applicant may file a detailed representation regarding his TA & LTC claims in furtherance to the letter dated 20.06.2011 issued by the Assistant Administrative Officer at Annexure-A/1, and the department shall examine and consider each and every objection or point raised in the representation in the light of the relevant rules. The applicant is directed to file his representation within 2 weeks from the date of

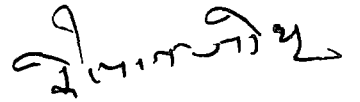
96

receipt of a copy of this order, and further the respondents No.2 & 3 are directed to pass a speaking order within a period of 3 months from the date of receipt of such representation.

9. With the above observation and directions, the OA is disposed of. It is made clear that if any grievance remains with the applicant, then he is at liberty to file a fresh OA, if so advised. No order as to costs.



(Meenakshi Hooja)
Administrative Member



(Justice K.C. Joshi)
Judicial Member