केन्द्रीय प्रशासनिक अधिकरण (प्रक्रिया) नियमावली के नियम 22 के अन्तर्गत निःशुल्क प्रति

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR

OA Nos. *192/2012, 205/2012, 206/2012, 207/2012, 208/2012, 209/2012, 210/2012, 211/2012, 212/2012, 213/2012, 214/2012, 215/2012, 216/2012, 217/2012, 218/2012, 219/2012, 220/2012, 223/2012, 224/2012, 227/2012, 228/2012, 232/2012, 233/2012, 234/2012, 235/2012, 239/2012, 240/2012, 241/2012, 242/2012, 243/2012, 244/2012.*

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MA No.85/2012 in OA 192/2012, MA No. 95/2012 in OA 205/2012, MA No. 96/2012 in OA 206/2012, MA No. 97/2012 in OA 207/2012, MA No. 98/2012 in OA 208/2012, MA No. 99/2012 in OA 209/2012, MA 100/2012 in OA 210/2012, MA No. 101/2012 in OA 211/2012, MA No. 102/2012 in OA No.212/2011, MA No.103/2012 in OA 213/2012, MA No. 104/2012 in OA 214/2012, MA No. 105/2012, OA 215/2012, MA No.106/2012 in OA 216/2012, MA No. 107/2012 in OA 217/2012, MA No. 108/2012 in OA 218/2012, MANo. 109/2012 in OA No.219/2012, MA No.110/2012 in OA 220/2012, MA No. 111/2012 in OA No.223/2012, MA No.112/2012 in OA 224/2012, MA No. 1182012 in OA No. 227/2012, MA No. 119/2012 in OA 228/2012, MA No. 120/2012 in OA 232/2012, MA No. 121/2012 in OA 2332, MA No. 122/2012 in OA 234/2012, MA No. 123/2012 in OA 235/2012, MA No. 124/2012 in OA 239/2012, MA No. 125/2012 in OA 240/2012, MA No. 126/2012 in OA 241/2012, MA No.127/2012 in OA 242/2012, MA 128/2012 in OA 243/2012 & MA No. 129/2012 in OA 244/2012.

Reserved on: 13.7.2012 Date of order: 20 .7.2012

CORAM

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER
HON'BLE MR. B K SINHA, ADMINISTRATIVE MEMBER

OA 192/2012

Kishan iLal Bhatt Son of Shri Noja Ram,
Technican F. Heavy Water Plant (Kota)
Anushakti, District Chittorgarh
R/o Block 66/444, Heavy Water Plant Colony,
Bhabha Nagar,Rawatbhata, District.Chittorgarh.

OA 205/2012

K.C. Tailor S/o Shri Mohan Lal aged 51 years,
Technician-G, Heavy Water Plant (Kota), Anushakti,
District Chittorgarh, Resident of Block No. 38/223,
Heavy Water Plant Colony, Bhabha Nagar,
Rawatbhata, District Chittorgarh.

OA 206/2012

Alind Kumar Mishra S/o Shri Ambika Prasad, aged 48 years,
Scientific Assistant-F,Heavy Water Plant (Kota),
Anushakti, District Chittorgarh, Resident of Block No. B-42-44,
Heavy Water Plant Colony, Bhabha Nagar, Rawatbhata,
District Chittorgarh.

OA 207/2012

Shyamendra Prakash S/o Shri O.P. Gautam, aged 47 years,
Scientific Assistant-D, Heavy Water Plant (Kota), Anushakti,
District Chittorgarh, Resident of Heavy Water Plant Colony,
Bhabha Nagar, Rawatbhata, District Chittorgarh.

OA 208/2012

R.C. Verma S/o Shri Panna Lal aged 46 years,
Technician-G, Heavy Water Plant (Kota), Anushakti,
District Chittorgarh, Resident of Block 63/386,
Heavy Water Plant Colony, Bhabha Nagar,
Rawatbhata, District Chittorgarh.

OA 209/2012

Mangi Lal Mourya S/o Shri Nand Lal,a ged 57 years,
Technician H, Heavy Water Plant (Kota), Anushakti,
District Chittorgarh, Resident of J-28-A,
Heavy Water Plant Colony, Bhabha Nagar,
Rawatbhata, District Chittorgarh.

OA 210/2012

Prem Singh Negi S/o Shri Lata Singh aged 57 years,
Technician H, Heavy Water Plant (Kota), Anushakti,
District Chittorgarh, Resident of Block 64/417
Heavy Water Plant Colony, Bhabha Nagar,
Rawatbhata, District Chittorgarh.

OA 211/2012

K.M.Meena S/o Shri Mohan Lal aged 43 years,
Scientific Officer C, Heavy Water
Plant (Kota), Anushakti, District
Chittorgarh, Resident of Block 61/362,
Heavy Water Plant Colony, Bhabha Nagar,
Rawatbhata, District Chittorgarh.

OA 212/2012

Prabhu Lal Bhand S/o Shri Ganga Ram aged 52 years,
Technician – G, Heavy Water Plant (Kota), Anushakti,
District Chittorgarh, Resident of Block 26/153,
Heavy Water Plant Colony, Bhabha Nagar,
Rawatbhata, District Chittorgarh.

OA 213/2012

M.C. Srimali S/o Shri Bhanwar Lal aged 49 years,
Technician H, Heavy Water Plant (Kota),
Anushakti, District Chittorgarh, Resident of Block 37/217
Heavy Water Plant Colony, Bhabha Nagar, Rawatbhata,
District Chittorgarh.

OA 214/2012

R.R.Meena S/o Shri Hira Lal Meena, aged 48 lyears,
Technician G, Heavy Water Plant (Kota), Anushakti,
District Chittorgarh, Resident of Block 22/128,
Heavy Water Plant Colony, Bhabha Nagar,
Rawatbhata, District Chittorgarh.

OA 215/2012

Bhawani Lal Bairwa S/o Shri Jaggan Nath
aged 51 years, Technician G, Heavy Water Plant
(Kota), Anushakti, District Chittorgarh, Resident of J-38,
Heavy Water Plant Colony, Bhabha Nagar, Rawatbhata,
District Chittorgarh.

OA 216/2012

R.M. Mansoori S/o Shri Y.M. Mansoori, aged 49 years,
Stenographer I, Heavy Water Plant (Kota),
Anushakti, District Chittorgarh,
Resident of Block 5/23, Heavy Water Plant Colony,
Bhabha Nagar, Rawatbhata,
District Chittorgarh.

OA 217/2012

H.K. Arora S/o Shri D.R. Arora, aged 54 years,
Scientific Officer – E, Heavy Water Plant (Kota),
Anushakti, District Chittorgarh, Resident of F-3,
Heavy Water Plant Colony, Bhabha Nagar,
Rawatbhata, District Chittorgarh.

OA 218/2012

P.K. Khatua S/o Shri Markad Khatua aged 46 years,
Technician G, Heavy Water Plant (Kota), Anushakti,
District Chittorgarh, Resident of Block 23/135,
Heavy Water Plant Colony, Bhabha Nagar, Rawatbhata,
District Chittorgarh.

OA 219/2012

Harpal Singh S/o Shri Ram Singh aged 44 years,
Technician G, Heavy Water Plant (Kota), Anushakti,
District Chittorgarh, Resident of Block 65/228,
Heavy Water Plant Colony, Bhabha Nagar,
Rawatbhata, District Chittorgarh.

OA 220/2012

Ashok B Mali S/o Shri Budha Mali, aged 58 years,
Technician H, Heavy Water Plant

(Kota), Anushakti, District Chittorgarh,
Resident of J-20, Heavy Water Plant Colony,
Bhabha Nagar, Rawatbhata, District Chittorgarh.

OA 223/2012

J.S.Chaudhary, S/o Shri Ranjeet Singh,
Scientific Assistant-F, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o C-23-31, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh. ..Applicant

OA 224/2012

S.D.Yadav, S/o Shri Gyan Singh Yadav,
Scientific Assistant-F, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o B-35/37, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

OA 227/2012

A.G.Bhushan S/o G.K.Bhushan,
Scientific Assistant-G, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o Block 17/101, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

OA 228/2012

B.C.Naik S/o Shri Vaishnav Charan,
Technician-H, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o Block 66/441, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

OA 232/2012

D.L.Mali S/o Bhim Rao Mali,
Technician G, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o Block 9/49, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

OA 233/2012

R.K.Yadav, S/o Salag Ram,
Technician –G, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o H-11, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

OA 234/2012

M.L.Meghwal, W/o Shri Jaggan Nath,
Technician-G, Heavy Water Plant (Kota)

Anushakti,District Chittorgarh R/o 22/128, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

OA 235/2012

S.J.Abbas S/o Shri Sayed Kumar Abbas,
Technician-G, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o Block 65/433, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

OA 239/2012

Ram Singh S/o Shri Singh,
Scientific Officer-E, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

OA 240/2012

Asu Lal Rebari S/o Shri Natha ji,
Retired Technician-H, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o Type-III-55K,
Anu Pratap Colony, Rawatbhata,
Dist. Chittorgarh

OA 241/2012
S.N.S.Yadav S/o Shri Ramyash Yadav,
Scientific Officer-E. Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o G-7, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

OA 242/2012
Muralidhar Bagari S/o Shri Madan Lal,
Wash Boy, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o 61/366, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

OA 243/2012

S.N.Pandey Son of Shri Avadh Kishore,
Technician –G, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o 17/101, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

OA 244/2012
P.K.Srivastava S/o Shri US Srivastava,
Scientific Assistant-E, Heavy Water Plant (Kota)
Anushakti,District Chittorgarh R/o C/48-50, Heavy
Water Plant Colony, Bhabha Nagar, Rawatbhata,
Dist. Chittorgarh

(All the applicants are represented by Advocate Mr. Vijay Mehta and Advocate J.C Singhvi)

Vs.

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

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

3. Administrative Officer-III, Heavy Water Plant (Kota)
Anushakti, Dist. Chittorgarh. ....Respondents in all the above cases

(Respondents in all cases are represented by Advocate Mr.Vinit Mathur,ASGI alongwith Advocate Mr. Ankur Mathur).

ORDER

Per: B K Sinha, Administrative Member:

These OAs have been not filed against any impugned order but against the illegal recovery and for refund of the recovered amount from the applicants.

2. All the above mentioned OAs are jointly heard as all these cases involve a common question of facts and law and are being decided by a common order. However, the case in OA 192/2012 has been dealt with in particular and has become the basis for common decision.

Relief(s) sought for in OA 192/2012:

That the applicant pray that impugned orders Annexure.A1 and Annexure.A2 may kindly be quashed and the respondents may kindly be directed to repay the recovered amount of Rs. 80130/- or any other amount with penal interest thereon. The respondents may kindly be directed to make the payment of the remaining LTC claim for which letter Annexure.A5 was issued. Any other order as deemed fit giving relief to the applicant may kindly be passed. Costs may also be awarded to the applicant."

Case of the applicants:

3. The case of the applicants, simply put, is that they are employees of the Government of India employed in the Heavy Water Plant, Kota, Anushakti, Chittorgarh. Admittedly, the Government of India issued OM dated 2.5.2008 permitting its employees to travel by Air to North Eastern Region on LTC and thereby made them entitle to travel by Air[A3]. The applicant accordingly submitted application informing that he along with his family members had planned to travel to Guwahati (NER). The respondents calculated the cost of full economy class Air Tickets and accorded a sanction of advance amounting to Rs. 1,79,000/- vide the order

dated 12. 11.2008 [A4]. The applicant undertook the journey along with members of his family and submitted his bill for due payment to the Assistant Personnel Officer (Estt) who in turn forwarded the same vide his letter dated 19.1.2005[A5]. The case of the applicant is that the respondents took 17 months and informed the applicant that the Pay & Accounts Officer had intimated vide his note dated 5.7.2010 to refund Rs. 80,130/- which had been alleged to have been drawn in excess of the amount due with penal interest. No reasons as to how the excess amount has been calculated mentioned. The case of the remaining applicants is as follows:

OA No.	Applicant	Sanctioned amount(Rupees)	Amount recovered/sought to be recovered (Rupees)	Whether penal interest charged
192/2012	Kishan Lal Bhatt	1,79,000	80,130	Yes
205/2012	K.C.Tailor	2,15,000	99,590	Yes
206/2012	Alind Kumar Mishra	1,09,800	1,222	Yes
207/2012	Shyamendra Prakash	1,79,200	80,050	Yes
208/2012	R.C.Verma	1,43,000	63,682	Yes
209/2012	Mangilal Mourya	1,43,000	63,506	Yes
210/2012	Prem Singh Negi	1,43,000	88,763	Yes
211/2012	K.M.Meena	2,50,000	1,15,581	Yes
212/2012	Prabhulal Bhand	1,42,000	63,928	Yes
213/2012	M.C.Srimali	1,78,500	80,249	Yes
214/2012	R.R.Meena	1,79,000	63,682	Yes
215/2012	Bhawani Lal Barwa	71,700	32,042	yes
216/2012	R.M. Mansoori	1,43,400	65,725	Yes
217/2012	H.K.Arora	1,43,400	64,933	Yes
218/2012	P.K.Khatua	1,69,900	71,452	Yes
219/2012	Harpal Singh	1,43,400	67,168	Yes
220/2012	Ashok B Mali	71,700	31,966	Yes
223/2012	J.S.Choudhary	1,79,200	81,970	Yes
224/2012	S.D.Yadav	1,87,000	92,473	Yes
227/2012	A.G.Bhushan	1,07,000	48,107	Yes
228/2012	B.C,.Naik	2,12,000	94,476	Yes
232/2012	D.L.Mali	1,07,500	50,506	Yes
233/2012	R.K.Yadav	1,07,000	50,803	Yes
234/2012	M.L.Meghwal	2,05,000	92,781	Yes
235/2012	S.J.Abbas	1,43,400	52,598	Yes
239/2012	Ram Singh	1,11,500	52,161	Yes
240/2012	Asu Lal	1,07,000	50,271	Yes
241/2012	S.N.S.Yadav	2,15,000	88,763	Yes
242/2012	Murlidhar Bagari	73,200	34,740	Yes
243/2012	S.N.Pandey	1,76,600	94,211	Yes
244/2012	P.K.Srivastava	71,700	32,086	Yes

4. The applicant submitted a representation to Respondent No.3 that the concerned OMs dated 10.11.2008 and 4.12.2008 had never been provided to him requesting him to withdraw the impugned order at A1. This representation was rejected by Respondent No.3 vide A2.

The applicant has argued that the order of sanction [A4] had been passed after due consideration and application of mind by the respondent organization. The amount had been calculated and not been paid at the instance of the applicant but by the respondent organization itself. Once the applicant has undertaken the travel in good faith on the basis of the sanction order issued by it, the respondent organization is bound to honour the commitment and reimburse the rest of the amount involved. The applicants have further stated that no show cause had been issued to the applicant before making the deduction from his salary as was required to have been done. During the course of written submissions the applicant has also submitted that the respondents have sought to create two categories employees from amongst those who travelled to the NER – those from whom no recovery is being made and those from whom the recovery is being made. The respondent organization cannot make this distinction and as model employer is bound to treat all employees at par by making the reimbursement of the remaining amount.

5. These arguments were supported by the learned counsel for the applicants vide means of oral submissions during the course of the argument.

Case of the respondents:

6. The respondents have submitted vide means of their counter affidavit as well as orally that "the Government of India, Ministry of Personnel & Public Grievances and Pensions, Department of Personnel & Training Office Memorandum vide reference No. 31011/4/2007-Estt.(A) dated 2.5.2008 relaxing the LTC norms of CCS (LTC) Rules, 1988 and permitted the Government Servants to travel by Air to North Eastern Region on LTC for a period of two years from the date of issue of the said Office Memorandum. This circular provided that Group-A and B Central Government employees were entitled to travel by air from their place of posting or nearest Airport to a city in the NER or the nearest Airport, while other categories of employees were entitled to travel by Air to a city in NER from Guwahati and Calcutta. The Government, thereafter issued instructions vide OM No.7(1)E.Coord.2008 dated 10.11.2008 that in respect to travel on LTC those entitled to travel by Air the cheapest economy fare was allowed irrespective of entitlement of such officer to travel while on tour. The Govt. of India further provided its employees the liberty to travel on LTC by any Airlines provided that the fare did not exceed the

fares offered by Air India with effect from 1.12.2008 vide the Memo No.7(1)/E.Coord/2008 dated 4.12.2008. The OMs dated 10.11.2008 and 4.12.2008 were effective from the date of issue as provided therein and were displayed on the notice board for the information of all employees. On the request of the Unions the Heavy Water Board (CO) was requested to take up this case with the Department of Atomic Energy, but to no avail. The respondents have also issued letters to the concerned employees to refund the excess amount at the request of the Unions. Only 12 out of 82 employees involved in such case have approached this Tribunal. The delay in the settlement of bills took place at the behest of the Unions which had sought a reference to the Department of Atomic Energy. There is no violation of the principles of natural justice are involved and wanted the OAs to be disallowed.

7. OAs are accompanied by MAs for condonation of delay on the ground that there is already a stay order in OA 259/2012 and connected cases (Annexure.A14 in OA 192/2012). Moreover the applicants have filed representations and they were assured by the respondents that they would be given the relief due. Hence they continued to wait for the relief to be granted without requiring the necessity to approach this Tribunal for redressal of their grievances. This appears to be a reasonable explanation. The delay, therefore, is condoned.

8. After having gone through the pleadings of the parties and the arguments submitted by their learned counsels the following facts in issue emerge:

(i) ***Whether the respondent organization was aware of the two circulars namely 10.11.2008 and 4.12.2008 at the time of issuing the sanction letter to the applicant dated 12.11.2008 [A4]?***

(ii) ***Whether the respondent organization was bound to call for show cause making the deductions from the salaries of the applicant?***

(iii) ***What relief can be provided to the applicant?***

Whether the respondent organization was aware of the two circulars namely 10.11.2008 and 4.12.2008 at the time of issuing the sanction letter to the applicant dated 12.11.2008 [A4]?

9. The relevant portion of OM dated 2.5.2008 is as follows:

> ***"The undersigned is directed to say that in relaxation of CCS (LTC) Rules, 1988, the Government have decided to permit Government servants to travel by Air to North Eastern Region on LTC as follows:***

(i) *Group A and Group B Central Government employees will be entitled to travel by air from their place of posting or nearest airport to a city in the NER or nearest Airport.*

(ii) *Other categories of employees will be entitled to travel by air to a city in the NER from Guwahati or Kolkata.*

(iii) *All Central Government employees will be allowed conversion of one block of Home Town LTC into LTC for destinations in NER.*

2. These orders shall be in operation for a period of two years from the date of issue of this OM.
3. Data regarding number of Government employees availing LTC to NER may be maintained.
4. In their application to the staff serving in the Indian Audit and Accounts Department, these orders issue after consultation with the Comptroller and Auditor General of India."

10. The relevant portion of OM dated 10.11.2008 reads as under:

"Reference is invited to the guidelines on austerity measures issued vide OM of even number dated 5th June, 2008, and DoPT OM No.31011/4/2008-Estt(A) dated 23rd September, 2008 regarding acceptance of Sixth Pay Commission's recommendations related to LTC. Vide the OM of DoPT, it has been stipulated that travel entitlements for the purpose of official tour/transfer or LTC will be the same but no daily allowance will be admissible for travel on LTC. In order to meet the objective of expenditure management in view of the current Economy Measures, it is further stipulated that insofar as travel on LTC is concerned for those entitled to travel by air, the cheapest economy fare ticket will be allowed, irrespective of entitlement of such officers to travel while on tour.

These orders come into effect from the date of issue."

11. One finds that the order of sanction had been passed on 12.11.2008 [A4]. The aforementioned two Office Memoranda were issued on 10.11.2008 and 4.12.2008. Admittedly the second OM had been issued after issue of the sanction letter [A4] and hence is not binding on the applicant. As regards the first OM dated 10.11.2008 the difference was only of two days before issuing the sanction letter. It is well accepted that the Government circulars take their own time in percolating down to the field level and there is normally an information lag between the two, even in these days of fast communication by internet and fax machines. One can imagine the condition which prevailed in the late eightees, when these means were so readily available. Otherwise there is nothing that explains as to how the sanction letter came to be issued as if the aforementioned OM namely OM dated 10.11.2008 did not exist.

12. Moreover it has to be considered that having issued the sanction letter the applicant has undertaken their journey and had incurred expenditure. The fact that the OMs dated 10.11.2008 and 4.12.2008 became applicable from the date of their issue the onus lay upon the respondent organization to ensure that all such persons in whose respect the sanction letters had been issued were asked not to undertake the journey and submit fresh proposals for the same. Even so, the respondent organization is bound to bear the costs involved in cancellation etc. Having not done that and having allowed the applicants to proceed with their respective journeys the respondents are barred by the law of estoppel from not allowing the remaining part of the LTC claim and in making the recoveries. The presumption of facts here would be that the respondents are aware of the OMs and if they had failed to implement the same they must bear the consequences arising therefrom. There is no stake from this position.

Whether the respondent organization was bound to call for show cause making the deductions from the salaries of the applicants?

13. It is by now commonly accepted that a show cause and opportunity of being heard before recoveries are made is a mandatory position. In a decided case ***Awadh Kishore Tiwari (since deceased) by LRS Vs. Damodar Valley Corporation, Calcutta [(1995) SCC(L&S) 146*** discrepancies were found in the claim submitted under LTC Scheme for journey to Kashmir and medical claim for the treatment undertaken there. A show cause was issued to the appellant represented by LRs for making a false claim and three increments were deducted. He was also asked to refund the amount and he refunded the amount drawn under the LTC bill. A suit was decreed to that effect by the trial court disallowed by the Additional District Judge, Dhanbad. The Hon'ble Supreme Court held:

> "2. Mr.P.P.Rao, the learned counsel for the appellants, has contended that the learned additional district judge erroneously assumed in paragraph 9 of his judgment that the increments of the plaintiff were not stopped with cumulative effect, and on that basis held that Regulation 98(1) requiring the holding of an enquiry was not applicable. Mr. Mukherji, appearing on behalf of the respondent State, did not dispute the fact that by the order impugned in the suit the plaintiffs three increments had been stopped with cumulative effect. If that is so then Regulation 98(1) is clearly attracted. Admittedly no enquiry was held where the plaintiff could have led evidence in support of his explanation mentioned in the show cause notice. It follows, therefore, that the trial court was right in decreeing the suit and the first appellant court as well as the High Court were misled by the assumption of wrong facts, in dismissing the suit. Consequently their judgments are set aside."

14. It is apparent from above that the Hon'ble Court have made it mandatory to hold enquiry before making the reductions even under the LTC, not followed in the instant case. No show cause has even called for from the applicants.

What relief can be provided to the applicant?

15. The applicants have drawn attention of the Tribunal to the effect that identical matter was considered by this Tribunal in OA Nos.259, 261, 262, 263, 264, 265, 266, 267, 268, 269, and 272 of 2010 by its order dated 6.10.2010 wherein it was held that:

> "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 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 the 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."

16. The above cases being identical the same ratio is to be followed in the instant case also. Therefore all of the aforementioned OAs are allowed. There shall be no order as to costs.

17. A copy of this order shall be placed in all the OAs mentioned above.

Dated this 20th day of July, 2012

(B K SINHA)
ADMINISTRATIVE MEMBER

(Dr. K B S RAJAN)
JUDICIAL MEMBER

COMPARED & CHECKED

CERTIFIED TRUE COPY
Dated 31/7/12

Section Officer (Judl.)
Central Administrative Tribunal
Jodhpur Bench, Jodhpur.

copy 31/7/12