

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

Original Application No.584/2012

Tuesday this the 6<sup>th</sup> day of October 2015

**C O R A M :**

**HON'BLE Mr.JUSTICE N.K.BALAKRISHNAN, JUDICIAL MEMBER  
HON'BLE Mrs.P.GOPINATH, ADMINISTRATIVE MEMBER**

M.K.Koya,  
S/o.P.I.Cheriya Koya,  
Malmikakade, Kalpeni, U.T of Lakshadweep.  
Agricultural Officer, Amini Island,  
U.T of Lakshadweep – 682 552.

...Applicant

(By Advocate M/s.Youseff & Aysha)

**V e r s u s**

1. Secretary (Agriculture),  
Union Territory of Lakshadweep,  
Kavaratti – 682 555.
2. Director of Agriculture,  
Union Territory of Lakshadweep,  
Kavaratti – 682 555.
3. Union Territory of Lakshadweep,  
represented by its Administrator,  
Union Territory of Lakshadweep,  
Kavaratti – 682 555.
4. Chief Executive Officer,  
District Panchayath,  
Union Territory of Lakshadweep,  
Kavaratti – 682 555.

....Respondents

(By Advocate Mr.S.Radhakrishnan)

This application having been heard on 18<sup>th</sup> September 2015 this Tribunal on 6<sup>th</sup> October 2015 delivered the following :



ORDER

HON'BLE Mrs.P.GOPINATH, ADMINISTRATIVE MEMBER

The TA bill submitted by the applicant along with Annexure A-7 was not sanctioned by the respondents and hence this OA has been filed. As per Annexure A-1 the applicant was deputed to conduct inspection of the Units at Andorth and Kalpeni. As per Annexure A-1 the officers concerned were permitted to proceed to their respective units for inspection with their assigned staff. After conducting inspection with the available materials the applicant submitted Annexure A-6 preliminary report on 31.5.2011 a one sentence report saying that "it was not an inspection, instead a regular defect rectifying work". Thereafter applicant submitted his TA Bill along with Annexure A-7 covering letter. As per Annexure A-8 the applicant was informed that during the assigned tour the applicant had overstayed for 33 days in his native place at Kalpeni and 12 days at Androth. Memo was issued to the applicant. In response a representation was submitted by the applicant. Since the TA bill was not sanctioned this application has been filed.

2. The claim is resisted by the respondents, inter alia, contending that the applicant submitted a report stating that it was not an inspection, but a regular defect rectifying work was carried out and that he had verified the records and registers. If there was any irregularity as contended by the applicant it should have been mentioned in the Annexure A-4 report made by the applicant. Nothing was stated about the irregularity in the sale of



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coconuts. Though the applicant contended that all the records and registers were verified and defects were rectified in situ, nothing was reported regarding the same at Kalpeni. Full fledged inspection report was not filed by the applicant.

3. It is inter alia contended that the applicant himself had subsequently submitted a leave application for the period from 4.4.2011 to 28.4.2011 in respect of which also the applicant had made a claim in his TA Bill. Since the leave applied for was not granted or regularized, the TA bill was not sanctioned in view of the disputed leave period during the tour for which a TA claim had been made.

4. Heard both sides. We have also gone through the pleadings on record. At the outset learned counsel for the respondent submits that the whole claim made by the applicant is false. The applicant himself had submitted Annexure R-1 (d) application for extension of leave for 25 days from 4.4.2011 to 28.4.2011. TA was claimed for the period from 4.4.2011 to 7.5.2011, suppressing the fact that he had applied for leave from 4.4.2011 to 28.4.2011. It is also pointed out that the applicant did not submit the inspection report in spite of repeated request. In Annexure A-4 it was only reported by the applicant as under :

"the inspection of Androth Unit started as scheduled with the team members. Actually it was not an inspection, instead, a regular defect rectifying work through out as reiterated by O.M dated 22.2.2011. Almost all the records and registers verified and defects rectified in situ."



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5. Whatever that be, since the applicant himself had post facto applied for leave from 4.4.2011 to 28.4.2011 he should not have claimed TA for the said period or he should have revised his claim which he failed to do so. It is inconceivable how the respondents could condone such condemnable or dishonest act on the part of the applicant. The respondents would contend that only after the leave applied for is sanctioned/regularized, the claim for TA for the remaining period can be sanctioned. Respondent assures that whatever claim is admissible, would certainly be sanctioned. Though the applicant has come to this Tribunal with totally incorrect facts which itself was sufficient for dismissal of the OA, still in view of the respondent's admission that after sanctioning/regularizing the leave applied for as per Annexure R-1 (d), the admissible TA claim would be processed and sanctioned, this OA is disposed of directing the respondents to do so accordingly.

6. The applicant's conduct as aforestated is found to be contumacious and the respondent will take serious note of it.

7. OA is disposed of accordingly. No order as to costs.

(Dated this the 6<sup>th</sup> day of October 2015)

  
P.GOPINATH  
ADMINISTRATIVE MEMBER

  
JUSTICE N.K.BALAKRISHNAN  
JUDICIAL MEMBER

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