

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 287 of 2012

THURSDAY, this the 18th day of July, 2013.

CORAM:

Hon'ble Mr. K. George Joseph, Administrative Member

C.S. Prem, aged 45 years, S/o. C.G. Stephen,
 (Ex-LDC, Kendriya Vidyalaya No. II,
 Naval Base, Cochin-682 004),
 Presently working as Accountant (on deputation),
 Office of the Pay & Accounts Officer,
 Customs House, Cochin-682 009, Residing at:
 Chiramel House, Thoppumpady, Kochi-682 005.
 Ernakulam District.

..... **Applicant**

(By Advocate – Mr. T.C.G. Swamy)

V e r s u s

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110 016.
2. The Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office-Chennai Region, IIT Campus, Chennai-600 036.
3. The Principal, Kendriya Vidyalaya No. II, Naval Base, Kochi-682 004.
4. Shri Joy Joseph, Principal, Kendriya Vidyalaya No. II, Naval Base, Kochi-682 004.

..... **Respondents**

(By Advocate – M/s. Iyer & Iyer)

This application having been heard on 10.07.2013, the Tribunal on
18-07-2013 delivered the following:



ORDER

The applicant while working as Lower Division Clerk in Kendriya Vidhyalaya No. II, Naval Base, Kochi had travelled from Kochi to Guwahati and back with family availing LTC for the block years 2006-2009 during the period from 23.12.2010 to 1.1.2011. He submitted his LTC bill dated 13.1.2011 for reimbursement of the travel expenses incurred. He was relieved on deputation as an Accountant to the office of Pay and Accounts Officer, Customs House, Cochin on 1.6.2011 on which date he was directed to submit the permission to avail LTC as well as the original train tickets and the boarding passes of air travel for necessary action. This was responded to by the applicant vide letter dated 11.6.2011. The 3rd respondent thereafter sent a communication dated 15.9.2011 to the Audit and Accounts Officer in the Regional Office of Kendriya Vidhyalaya Sangathan, Chennai directing to pre-audit the applicant's claim for the reason that journey from Guwahati to Calcutta and back was by private airline, the boarding passes were not submitted and the original ticket for train journey was also not produced, which was duly responded to after three months from the office of the 2nd respondent by letter dated 16.01.2012. Vide letter dated 30.1.2012 another query was made whether LTC claim can be admitted without the production of the original train ticket and without production of the boarding passes. Aggrieved the applicant has filed this Original Application for the following reliefs:-

"(i) Declare that the non-feasance on the part of the 3rd/4th respondent in settling the applicant's A3 Leave Travel Concession Bill dated 13.01.2011 is arbitrary, discriminatory and unconstitutional;



(ii) Direct the 3rd/4th respondent to forthwith settle A3 LTC bill dated 13.01.2011, and to arrange the reimbursement due with interest to be calculated with effect from 1.2.2011 @ 12% pcr annum up to the date of full and final settlement of the same, with a further direction that the amount of interest being so directed to be paid is to be recovered from the 4th respondent.

(iii) Award costs of and incidental to this Application to be recovered from the 3rd/4th respondent;

(iv) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case."

2. The applicant contended that the respondents ought to have settled his LTC claims on or before 28.1.2011 i.e. within 15 days of its receipt. The total inaction on the part of the 3rd respondent to settle the LTC claim is totally arbitrary and discriminatory. There is no justifiable reason on the part of the 3rd respondent not to settle the applicant's LTC. The applicant is being denied of benefits otherwise due on account of conscious and deliberate inaction on the part of the 3rd respondent. This denial is on account of his lawful service association activities and for no other reason. The expenses of travel was raised by the applicant by pledging gold ornaments of his wife since the respondents did not arrange the advance which was due to him and also hoping that the respondents shall reimburse the claim within 15 days of submission of the claim. The inaction on the part of the respondents has caused monetary loss to the applicant.

3. The respondents submitted that the applicant did not submit the original train ticket. The PNR number of the photo copy of the railway



ticket was not visible. It was not recorded in the TA bill also. The applicant did not communicate the name of the person who submitted the original tickets of train journey to the Principal, Kendriya Vidhyalaya No. 1, Kochi to the 3rd respondent. The LTC bill along with all enclosures was forwarded to the Audit and Accounts office, Kendriya Vidhyalaya, Chennai Region for pre-audit as the bill was a complicated one. While processing the leave travel concession bill the 3rd respondent entertained doubts regarding passing of bill in absence of the original train tickets and the boarding passes in respect of the travel. Therefore, he directed the applicant to make available the original ticket and the boarding passes for settlement of the accounts. The 3rd respondent wrote to the Principal, Kendriya Vidhyalaya No. 1 to confirm the authenticity of the train ticket and also to Jet Airlines and Spice Jet whether the applicant has undertaken the journey on the respective dates mentioned in Annexure A3. The Spice Jet Officer confirmed the flight journey. The 3rd respondent did not receive like confirmation from Jet Airways from 7.7.2012. The 3rd respondent thereafter proceeded to settle the travel bill except in respect of air travel from Calcutta to Guwahati on 26.12.2010. On 10.07.2012 the 3rd respondent received a communication from Jet Airways through email wherein Jet Airways has expressed its inability to accede to the request. However, a travel certificate can be issued to the passengers who have misplaced or lost their boarding passes and need a confirmation of their travel required for official purposes. They have also suggested that the applicant can request for invoice for his travel on payment of Rs. 200/- per ticket. This

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information was conveyed to the applicant also on 16.7.2012. The applicant alone caused the delay in settling the LTC claim submitted back.

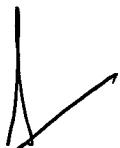
4. In the rejoinder statement the applicant submitted that the allegation that the PNR was not visible in the photocopy submitted by the applicant was never intimated to him by the 3rd respondent at any point of time. There is no column in the LTC form provided by the office of the 3rd respondent to mention PNR number and submission of which is not provided in the LTC rules. As per LTC rules there is no requirement to provide the information to the controlling authority as to where the original ticket is. The 3rd respondent kept the claim pending and only on 1.6.2011 when the applicant was relieved to join on deputation that a letter was issued informing him to produce the original train ticket and boarding passes. The claim submitted by the applicant does not require to have been pre-audited in the normal course. Even after submitting information in Annexure A6, only after three months the respondents forwarded the same to the Regional Office, Kendriya Vidyalaya, Chennai Region. The doubts entertained by the 3rd respondent regarding passing of the bill is not based on any rules & provisions under CCS (LTC) Rules, 1988. The reference to the concerned Airline was undertaken by the 3rd respondent only after more than 1½ years from the submission of the claim. The requirement of submission of boarding passes is not provided for in the LTC rules. The applicant had incurred an expenses of Rs. 1,000/- to get travel certificate from the Jet Airways. He has forwarded the same to the 3rd respondent vide letter dated



1.8.2012. As the advance was not granted, the applicant had to pledge gold ornaments incurring the expenditure of Rs. 3,983/- up to 3.12.2011 by way of interest and again re-pledged on 3.12.2011. The applicant was constantly harassed by the 3rd respondent on various matters like GPF subscription, service book, salary bills etc.

5. I have heard the learned counsel for the parties and perused the records.

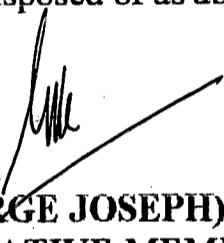
6. During the pendency of this Original Application the balance amount of Rs. 15,895/- on account of the LTC bill of the applicant has been paid to him in August, 2012. What remains for consideration is whether interest with effect from 1.2.2011 at the rate of 12% per annum up to the date of final settlement of the LTC bill should be paid to the applicant or not. The LTC bill preferred by the applicant on 13.1.2011 was settled fully only on 7.8.2012. It has taken around 1½ years to clear the LTC bill of the applicant. This delay could have been avoided if the direction to the applicant to submit the boarding passes and the original tickets was issued well in time. However, entire blame cannot be placed at the door of the respondents. Annexure A1 application for grant of permission to avail LTC and the required amount of advance made by the applicant shows that he failed to show the age of the family members at serial No. 6. This shows that the applicant is not scrupulous in adhering to the prescribed norms. Similarly he did not disclose the name of the person who submitted the original train ticket to the Principal, Kendriya Vidyalaya No. 1, Kochi. The photocopy of



the train ticket shows the details of persons other than his family members. It cannot be said that the demand for submission of proof of actual travel by air in the form of boarding pass or confirmation from the airlines is wrong.

7. In the light of the above I am not inclined to favourably consider the relief of granting interest for the period of delay in making the LTC reimbursement to the applicant. However, the respondents may consider reimbursing an amount of Rs. 1,000/- which the applicant has incurred to obtain the travel certificate from the Jet Airlines, on submission of proof of payment, to clear the doubt of the respondents as to the actual journey made by him.

8. The Original Application is disposed of as above. No costs.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

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