

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.328/2001.

Tuesday, this the 10th day of April, 2001.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

**K.P.Ravindranathan Nair,
Senior TM (Sr.TOA (T)),
Central Telegraph Office,
Kottayam.**

Applicant

(By Advocate Shri M.R.Rajendran Nair)

Vs.

**1. Union of India represented by
the Secretary to the Government of
India, Ministry of Personnel, Public
Grievances and Pensions,
(Department of Personal and Training),
New Delhi.**

**2. The General Manager,
Telecom District,
BSNL, Kollam.**

**3. Accounts Officer (P.C.), BSNL,
Office of the General Manager,
Telecom District, Kollam.**

Respondents

(By Advocate Shri I. Sheela Devi, ACGSC)

**The application having been heard on 10.4.2001, the Tribunal
on the same day delivered the following:**

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

**The challenge in this application filed under Section
19 of the Administrative Tribunals Act, 1985 is against the
order dated 2.3.2001 of the Ministry of Personnel, Public
Grievances & Pensions (Department of Personnel & Training)
(A-1) by which pursuant to the Finance Minister's announcement
relating to facility of LTC to Central Government Employees in**

the Parliament on 28.2.2001, the facility of Home Town LTC and All India LTC to Central Government Employees have been suspended for a period of two years with immediate effect provided that the employees who have less than two years of service would not be affected by that order and that those who have taken advance would refund that amount. It has also been provided in the order that the expense incurred in cancellation of tickets would be reimbursed. As per order at A2 the applicant is directed to refund the advance amount of Rs.20,000/- . It has been alleged in the application that the applicant did not avail the facility of LTC for the Block Year 1998-2001 and he had decided to attend his niece's marriage which is scheduled to be held in the month of April, 2001 at Delhi that the impugned order amounts to divesting the applicant's vested right to avail of the LTC which cannot be taken away by an administrative order with retrospective effect. With these allegations, the applicant seeks to have the impugned orders A1 and A2 set aside and for a declaration that the applicant is entitled to get All India LTC for the Block Year 1998-2001 and for a direction to the respondents to grant the benefits accordingly.

2. On a careful scrutiny of the impugned orders and on a perusal of the application, we find no scope for admission of the application and further deliberation. The statutory right of Government Servants to have the facility of LTC has not been divested by the impugned order. By the impugned order the facility has been kept in abeyance for two years, taking into account the financial constraints and the policy decision

m

of the Government of India to tide over the difficult situation, that the applicant had already taken an advance does not mean that he has obtained any vested right. The order provides that the advance taken should be refunded; but no adverse consequences would result when applicant's expenses against the cancellation of the tickets is reimbursed. In the light of what is stated above, we reject the application under Section 19 (3) of the Administrative Tribunals Act(1985).

Dated the 10th April 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

rv

List of Annexures referred to in the order:

A1: A true copy of the O.M.No.31011/2/2001-ESTT(A)
dated 2.3.2001 issued by the Ist respondent.

A2: Telegram dated 9.3.2001 issued to the applicant .