

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 357 OF 2007

Thursday, this the 21st day of February, 2008.

CORAM :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

A.Damodaran
Retired Controller of Administration
Regional Research Laboratory
Council of Scientific and Industrial Research
Residing at : "Blessings", Lal Lane
Industrial Estate P.O
Trivandrum - 695 019 : Applicant

(By Advocate Mr.K.Shri Hari Rao)

Versus

1. The Union of India represented by the Secretary
and Director General
Council of Scientific and Industrial Research,
2 Rafi Marg, New Delhi
2. The Joint Secretary (Administration)
Council of Scientific and Industrial Research,
2 Rafi Marg, New Delhi
3. The Director
Regional Research Laboratory
Council of Scientific and Industrial Research,
Industrial Estate P.O.
Trivandrum - 695 019
4. The Controller of Administration
Regional Research Laboratory
Council of Scientific and Industrial Research,
Industrial Estate P.O.
Trivandrum - 695 019
5. A.V.Thomas
Section Officer and Audit Co-ordinator
Regional Research Laboratory
Council of Scientific and Industrial Research,
Industrial Estate P.O.
Trivandrum - 695 019

Respondents

(By Advocate Mr.P.J.Philip, ACGSC)

The application having been heard on 21.02.2008, the
Tribunal on the same day delivered the following : -

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by Annexure A-1 Office Memorandum dated 07.11.2006 issued by the 4th respondent viz., Controller of Administration, Regional Research Laboratory, Council of Scientific and Industrial Research, Trivandrum by which the excess payment of LTC of Rs. 11,082/- was ordered to be recovered from the amount of honorarium payable to him.

2. The brief facts of the case are that the applicant while working as Controller of Administration in the Office of the Respondent No.2 has availed himself of LTC facilities during September, 2001 to visit New Delhi. He travelled by Indian Airlines Corporation and incurred an expenditure of Rs.28,380/- After returning from leave he has submitted his claim and the same was settled. The applicant retired from service on 31.03.2002. Thereafter, the respondents informed him vide Annexure A-2 letter dated 29.04.2004 that the LTC claim was settled in a irregular manner as he was entitled only for Rs.17,298/- as against the amount of Rs. 28,380/- already paid to him. He was also requested to deposit the balance amount of Rs.11,082/- at an early date. Applicant however, resisted the same by Annexure A-3 letter dated 19.05.2004 stating that he was already permitted to travel by air on LTC by the concessional fare of the Indian Airlines Corporation owned by the Government of India and he had submitted supporting evidence for the journey and it cannot be recovered at a later stage. The respondents however, vide Annexure A-4 letter

dated 24.05.2004 informed the applicant that the delay was due to the fact that the Audit could detect the irregularity only during March, 2004 while auditing the accounts for the years 2001-2002 and 2002-2003. Since the applicant has not deposited the balance amount, they have adjusted the amount against the amount of honorarium payable to him vide Annexure A-1 order which has been impugned in the present O.A.

3. I have heard learned counsel Mr. K. Shri Haro Rao, counsel for applicant and learned counsel Mr. P. J. Philip, ACGSC, counsel for respondents. Shri Philip referred to Sub Rule 12 of Central Civil Services (Leave Travel Concession) Rules, 1988 which deals with the entitlement to travel in different classes. It reads as under :-

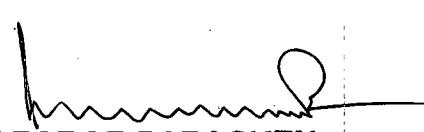
<i>Pay Range</i>	<i>Entitlement</i>
Rs.18,400 and above	Air Economy (Y) Class by National Carriers or AC First Class by train, at their option
Rs.16,400 and above, but less than Rs.18,400	AC First Class
Rs.8,000 and above, but less than Rs.16,400	Second AC 2-tier Sleeper

4. Admittedly, the basic pay of the Applicant at the relevant time was Rs. 13,875/- and his entitlement was only to travel by II AC 2-tier Sleeper. The Applicant was working as Controller of Administration of the respondents Department at the relevant time. He was in charge of the Department dealing with matters including sanctioning of Leave Travel Concessions to the employees working there. He cannot, therefore, feign ignorance that he was not

aware of the rules. As a responsible Supervisory government officer, he should have been aware of at least his own entitlement. The contention of the applicant that he has already retired, no demand certificate / no vigilance certificate has already been issued to him by the Department before his retirement, he is now leading a very peaceful life and at this stage he cannot be disturbed etc., cannot be accepted. In my considered opinion, the applicant cannot stay in peace till he pays back the money which he was not entitled to draw. Honesty is the best policy not only in private life but also in government service. First of all, the applicant should not have drawn the excess money and travelled in a class to which he was not entitled to. Secondly, when the matter was detected and it was brought to his notice, he should have immediately returned the money with grace without disputing the competency of the Department to recover the money from him, as he was already retired from service. It is unfortunate that such matters are taken to the Court for settlement,

7. In the above facts and circumstances, the O.A is dismissed. There shall be no order as to costs.

Dated, the 21st February, 2008.


GEORGE PARACKEN
JUDICIAL MEMBER

vs