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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A.No.415 of 1990,

R.K.Chug & others .....Applicants.

Versus

Union of India & others .....Respondents.

Hon'ble Mr. Justice U.C.Srivastava, V.C.

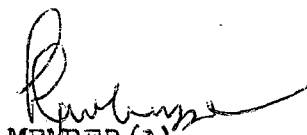
Hon'ble Mr.K.Obayya, A.M.

(BY Hon'ble Mr. Justice U.C.Srivastava, V.C.)

As a common order for recovery of the advance taken for availing L.T.C. has been passed against them, the applicants, 11 in number, have joined together in filing this application. Learned counsel stated that the applicants will be filing separate courtfee within a period of two days. The case has been heard and is being disposed of on merit. This application is being treated as on behalf of applicant no.2 to 11.

2. The applicants admittedly are Civil Servants of the Defence services and are under the administrative control of Controller, Defence Accounts and Commandant, AMC, Centre and School, Lucknow and all of them, being entitled to LTC, applied for advance which was allowed to them under the rules. The case of the applicants is that they did perform the journey and thereafter submitted their bills for payment after adjusting the amount of advance. In respects of applicants no.2 to 11, the bills were not passed and the payment was withheld. A Board of Enquiry was constituted and it appears that the Board of Enquiry after holding enquiry came to the conclusion that the applicants have not under-taken journey and as such the impugned order was passed under Para 15(6) of L.T.C. Rules which requires refund of the advance in lump-sum. On behalf of the applicants, it was contended that the bills of the applicants have not been passed and payment was withheld and they were asked to refund the amount. As according to the respondents, it is a case of fraudulent

game. Learned counsel contended that there is no denial of the fact that the applicants are governed by the CCS (CCA) Rules but as the applicants are serving in the Army Unit, they are also bound by certain regulations and discipline of the Army. That may be so. A Board of Enquiry could have been constituted <sup>by</sup> with the fact finding enquiry but so far as refund of amount is concerned, the same could have been ordered only when there was a finding that the claim made by the applicants was fraudulent and an order of departmental enquiry is a must and without holding departmental enquiry under the CCS (CCA) Rules, no such order could have been passed. Accordingly, this application has got to be allowed and the order dated 6.12.90 is quashed. However, it will be open for the respondents to hold a departmental enquiry as per LTC Rules and it is thereafter that they will pass an appropriate order in accordance with law. NO order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN.

DATED: JANUARY 6, 1993.  
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