

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 306/87

199

T.A. NO:

DATE OF DECISION 28.8.92

Shri P.D. Kawade

Petitioner

in person

Advocate for the Petitioners

Versus

UNION OF INDIA AND ORS.

Respondent

SHRI A.I. BHATKAR

Advocate for the Respondent(s)

CORAM:

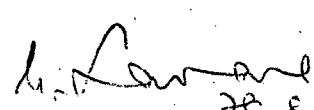
The Hon'ble ~~Mr.~~ ^{XX} USHA SAVARA, MEMBER (A)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

mbm*


(USHA SAVARA)
M/A

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO: 306/87

Shri Prabhakar Dhondiba Kawade,
Survey No.283, Shirke Nagar,
Mundhawa Pune- 400 036

.... Applicant

V/s

Union of India and ors.

.... Respondents

CORAM : HON'BLE USHA SAVARA, MEMBER (A)

Appearance :

Applicant in person

Sh. M. L. Seltner with
Shri A. I. Bhatkar, Adv.
for the respondents.

JUDGEMENT

DATED : 20-8-92.

(PER : USHA SAVARA, MEMBER (A))

The applicant had availed Leave Travel Concession during the period from 2nd May 1983 to 31st May 1983 for self, wife, mother and three children. His claim for L.T.C. was rejected, on the ground that the officer concerned has not accepted his contention that he has actual performed the travel from Pune to Kanyakumari and back. It was the case of the respondents, that the applicant had sought permission to travel by Mayur Travel Company from Pune to Kanyakumari and back. On his return, he submitted his claim stating that he has travelled by bus under the arrangements of Shri Ganesh Travels, Shop No.19 Cantt.Market, Kirkee. The applicant

was asked to explain the reasons for travelling with a different agency. It is submitted by the applicant that both the Travel agencies were sister concerns and with the mutual understanding of the firms, they had changed the tour programme. However, he could not produce any letter from Mayur Travel Company, instead he produced a certificate from Ganesh Travels which was not acceptable to the respondents. The permit was actually issued in the name of Shri J.B.Jain Travels. Shri J.B.Jain and sons confirmed for conducting the tour from Pune to Kanyakumari and also the RTO, Bombay, confirmed that Shri P.D.Kawale and five members of his family ^{were mentioned} in the list of passengers when the permit was issued to Shri J.B.Jain and sons.. However, since, there was an article in the local paper under caption, "Agencies and Defence workers connive in LTC Fraud", the respondents were suspicious. The applicant could not produce satisfactory evidence ^{if} having performed the journey and therefore he was denied the genuine certificate to be issued by the Controlling Officer. When the case was fixed on 20.3.1992, the applicant had stated that he had travelled alongwith Shri S.B.Kulkarni, Senior Officer of the State Bank of India, Aurangabad. He had also stated that some employees of the Naval Armament Inspectorate, National Seeds Corporation had also travelled in the same bus. He had been asked to produce affidavits of some of the officers before the Controlling Authority. Finally, the applicant has produced a certificate given by Shri R.G.Pagare Senior Foreman (Ammunition) Presently working at Naval Armament Inspectorate, Naval Armament Depot Karanja, Taluka, Uran, Dist.Raigad. The applicant has also filed an affidavit of Shri S.S.Kulkarni, Deputy Seed Officer, National Seeds Corporation, Pune and Shri S.B.Kulkarni, Field Officer State Bank of India, Aurangabad. These three officers have certified that they had performed journey by route/bus

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arranged by Shri Ganesh Travel/Mayur Travel Corporation from 7th May 1983 to 19th May 1983 alongwith Shri P.D.Kawade and his family members. It is also certified that Shri S.B. Kulkarni, then Dy.Manager, S.B.I., Pune had ~~booked~~ accommodation for 35 persons at Devasthanams, Tirupati pilgrim accommodation. He also certified that Shri Kawade and his family members were amongst them. These two officers have also certified that they have received reimbursement of their LTC claim restricted to railway fare of their entitled class of accommodation from Pune to Kanyakumari and back. In view of the preponderance of evidence in favour of the applicant, this application must succeed.

2. The respondents are directed to pass ^{applicant's} the/claim for the LTC in full within a period of four weeks from the receipt of ^a certified copy of this order. However, considering the circumstances of the case, the claim for interest is rejected. The interest recovered from his pay and allowances be paid to him alongwith final LTC claim. In the circumstances, the application is allowed. There shall be no orders as to costs.

h. Savara
28.8.82
(USHA SAVARA)
M/A