

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

Tr. Application No. 140/86.

Shri G.C.Chakravarty,  
Sr.Section Supervisor,  
O/O The Divisional Engineer,  
Mahanagar Telephone Nigam Ltd.,  
Chembur Telephone Exchange,  
Bombay - 400 071

.. Applicant

Vs

1. Union of India.

2. Pravinchandra Jauhari,  
General Manager,  
Bombay Telephones,  
Telephone Bhavan,  
Colaba - Bombay 400 005.

3. Mr.Kuldeep Goyal,  
Area Manager (East),  
Bombay Telephones,  
Ghatkopar Telephone Exchange,  
L.B.S.Marg, Ghatkopar (West),  
Bombay - 400 086.

.. Respondents.

Coram: Hon'ble Member (A) Birbal Nath

Hon'ble Member (J) M.B.Mujumdar

ORAL JUDGMENT (Per M.B.Mujumdar) Dated: 9.3.1987.

The applicant had preferred Writ Petition No.1198 of 1982 in the High Court of Judicature at Bombay challenging the refusal of his claim in respect of Leave Travel Concession and the same is transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

The applicant was serving as a Senior Section Supervisor in Bombay Telephones when the Writ Petition was filed. Now, he is on deputation to Mahanagar Telephone Nigam Limited, but still he is in government service.

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His Home Town is Krishnagar in district Nadia of West Bengal.

In October, 1980 he had taken an advance of Rs.3000/- for visiting his Home Town under Leave Travel Concession Scheme. On 5.11.80, he left Bombay V.T. for Howrah by Gitanjali Express along with his wife, four daughters and three sons. Their tickets were reserved. It is his case that while returning, he did not travel by train because of some disturbance at Nashik but he travelled by a Tourist Taxi belonging to M/s. Mangatram Brothers. He left his place on 20.11.80 and reached Bombay on 25.11.80. He had paid a sum of Rs.3150/- to M/s. Mangatram Brothers towards charges of the Taxi. On 3.3.81, he submitted a Bill for Rs.4063.35 to the Respondents for visiting his Home Town under L.T.C. Scheme.

After verification and scrutiny by the Accounts department, it was found that the applicant was entitled to only Rs.2704.30. After deducting the amount of advance of Rs.3000/- which the applicant was already given, a sum of Rs.295.70 was found due from the applicant.

The Respondents, however, doubted the bills submitted by the applicant. They inquired into the claim through their Vigilance Department. After receiving a report from the Vigilance Department, the Respondents

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rejected the claim of the applicant on two grounds: The first was that the applicant's two daughters namely Mahua and Neena had attended their school on 24.11.80. They also doubted the payment of the amount to M/s. Mangatram Brothers. Before us also, the application was challenged by the Respondents on these grounds.

We may point out here that <sup>after</sup> the Writ Petition was admitted, the High Court, by an Interim Order dated 25.8.82, had directed the Respondents to refund the amount of Rs.2704/- to the applicant because the Respondents had already recovered the advance of Rs.3000/- paid to the applicant through his monthly pay bills.

We have just now heard the applicant in person and Mr.S.R.Atre, for Mr.P.M.Pradhan the learned advocate for the Respondents. After hearing them, we find that the Respondents have no justification to deny the claim of the applicant of Rs.2704.30. The record shows that the applicant had paid the bill of M/s.Mangatram Brothers Rs.3150/- by a Demand Draft. We have also found from the certificate issued by the Principal of Sind Cosmopolitan School which, is in record with the

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Respondents that the applicant's two children, namely, Mahua and Neena had not attended on 24.11.80 the school, which was the first date on which the school re-opened after winter vacation. Initially, the authority of the School had issued a certificate stating that the applicant's two children had attended the school on that date, but after the applicant clarified the position, the daily muster roll was corrected and the certificate was issued by the Principal stating that the children had not attended the School on that date.

There is no reason to doubt the certificate was issued by the Principal of the School. We, therefore, hold that the claim of the applicant is fully supported by railway reservation tickets as well as the bill of M/s. Mangatram Brothers. The Respondents have no justifiable reason to deny the claim. We, therefore, hold that the applicant is entitled to Rs.2704/-. As the amount is already paid to him according to the Interim Order passed by the High Court, now nothing is due to him from the Respondents. This was admitted by the applicant

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before us.

As already pointed out, when the Writ Petition was filed in the High Court, the applicant was serving with Bombay Telephones and hence he was a government servant. Now he is on deputation to Mahanagar Telephone Nigam Limited but still he is not absorbed in their service. Hence, this Tribunal will have jurisdiction to decide the case.

We, therefore, hold that the applicant is entitled to Rs.2704/- from the Respondents towards his L.T.C. claim. However, now nothing remains to be paid to the applicant from the Respondents. We, therefore, dispose of the application with no order as to costs.

  
(M.B. Mujumdar)  
Member (J)

  
9/3/82  
(Birbal Nath)  
Member (A)