

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:179/2000
DATED THE 23rd DAY OF March.2001

CORAM: HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

Smt.Varsha B. Desai
Upper Division Clerk,
Office of the Regional
P.F.Commissioner,
Bhavishya Nidhi Bhavan
341, Bandra (East).

... Applicant

By Advocate Shri I.J.Naik

V/s.

1. Regional Provident Fund Commissioner(I)
Bhavishya Nidhi Bhavan,
341, Bandra(East).
2. Regional Provident Fund Commissioner(II),
Administration Section,
Bhavishya Nidhi Bhavan,
341, Bandra(East).

... Respondents

By Advocate Shri R.K.Shetty

(ORDER)

Per Smt.Shanta Shastri, Member(A)

This is a case for sanctioning of the LTC claim of the applicant for the journey to Kanyakumari with her family members from 24/12/98 to 2/1/99 for which she had taken an advance of Rs.11,000/-. The applicant has alleged that the final bill was submitted on 11/1/99 and she had obtained the acknowledgement. She claimed the balance amount of the LTC. The same was not paid to her. She reminded the Respondent No.2 vide letters dated 12/3/99, 17/6/99, 14/7/99 and 3/1/2000.

2. The Respondent No.2 issued the impugned order dated 17/2/2000 ordering deduction of Rs.11,000/- + Rs.1,751/- (penal

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interest) totalling Rs.12,751/- from her salary as she had not submitted the final LTC bill. The applicant submitted an explanation on 21/2/2000 with a request not to deduct the amount from her salary. The applicant has approached the Tribunal after an amount of Rs.6,500/- had already been recovered from her salary for the month of February, 2000. The applicant has claimed Interim Relief by way of staying the deduction from her salary. The Tribunal by order dated 23/2/2000 directed the respondents to recover an amount not exceeding Rs.1,000/- per month in pursuance of the impugned order dated 17/2/2000. The Interim Relief was continued till the hearing of the OA.

3. It is the contention of the applicant that she had submitted the final LTC bill immediately after her return from journey and the same was received by the respondents on 13/1/99. The deduction from her salary towards the LTC advance has been ordered on the assumption that she had not at all submitted the final bill. Further, the respondents kept quiet for 13 months from the date of availing of the LTC by the applicant. She has also alleged that there is ulterior motive and extraneous consideration behind effecting the recovery of LTC advance because she claimed interest from the respondents on her LTC claim. The applicant has prayed for refund of Rs.6,500/- already recovered from her and to pay interest @ 18% per annum on the amount so recovered so also the balance amount which remain unpaid against the LTC claim.

4. The respondents deny that she submitted her final LTC bill as required under the General Financial Rules. She should have submitted the bill within one month of completion of her

journey. She had availed LTC advance of Rs.11,000/- for travelling to Kanyakumari. The applicant could not produce even the copy of the final bill submitted by her. The only proof that she has produced is an acknowledgement of the submission of the LTC bill to the concerned section in the Transit Register of Group 37, entry no.498, Exhibit R-2. According to the respondents, she has manipulated the entry in the Register. Therefore the matter was referred to the Vigilance Section for investigation on 18/2/2000. During the earlier hearings the Respondent had been asked to produce report of the progress in the investigation by the Vigilance section. The applicant was also asked to submit any proof to show that she had performed the journey for which she had obtained the advance of Rs.11,000/-.

5. The respondents have now produced the investigation report of the vigilance section. It has been established that circumstantial evidence points to the record having been tampered with by the applicant and therefore according to the respondents, the applicant's OA deserves to be dismissed.

6. The applicant in spite of having been given enough opportunities has not been able to produce a copy of the train ticket or any other material in support of her statement that she had submitted her final LTC bill. She has been relying solely on Ex.R-2 i.e. transit register, the entry wherein has now been established to be a manipulated entry.

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7. In view of the vigilance report and in the absence of any material to support applicant's claim for the LTC, I am constrained to hold that the OA is devoid of merit. The OA is accordingly dismissed. I however do not order any costs.

Shanta

(SHANTA SHASTRY)
MEMBER(A)

abp