

(R2)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW.

Registration T.A. No.1 of 1989 (L)

Union of India & Others Applicants

Versus

Madan Mohan Lal Jain Opposite Party.

Hon. Justice Kamleshwar Nath, V.C.

Hon. K. Obayya, Member (A)

(By Hon. Justice K. Nath, V.C.)

This is a revision under Section 25 of the Small Cause Courts Act against a decree of Rs. 96-20 awarded by the Judge Small Cause Courts, Meerut in a Small Cause Suit No. 105 of 1980 to the opposite party against the applicants. It is before this Tribunal for disposal under Section 29 of the Administrative Tribunals Act, 1985.

2. The opposite party was working as a Section Officer in the service of the applicants at Patna when he availed ^{of} Leave Travel Concession from Khurja to Srawan Belgola (Karnataka) in the year 1977. He submitted a bill of Rs. 739-80 and adjusted a sum of Rs. 500/- received by him by way of advance. The applicants however deducted a sum of Rs. 376-30 from the bill and also made a recovery of Rs. 136-50 in view of the advance taken by the opposite party.

3. The opposite party's case was that both deduction from the bill and recovery from the salary were erroneous and that he was entitled to receive

a sum of Rs. 418-30 ^{for} the Leave Travel Concession including another T.A. claim of Rs. 42/-.

4. The applicants contested the claim on two grounds : Firstly, they urged that the opposite party was posted at Patna when he availed of the Leave Travel Concession and therefore the Meerut Court had no jurisdiction. The second point urged is that the opposite party had travelled by a longer route than was admissible to him under the L.T.C. Rules.

5. The learned Judge, Small Cause Courts found that payment of the L.T.C. claim and deductions from his salary were made by the applicants at Meerut when he was posted there and therefore the Meerut Court had jurisdiction. It was also found that the opposite party had travelled by a longer route but the excess fare on account of the longer journey was only Rs.12.75. It is admitted that during the pendency of the Suit, payments were made to the opposite party from time to time totalling Rs. 309-35. The Judge Small Cause Courts therefore, after adjusting the difference of excess fare on account of longer route of travel, found the opposite party to be entitled to a sum of Rs.96-20. The Court, therefore, decreed the Suit for that amount with costs.

6. Dr. Dinesh Chandra is present on behalf of the applicants. Shri Madan Mohan Lal Jain, opposite party is present in person. This is a very short point and therefore we have the matter on the merits of the case.

7. The learned counsel for the applicants has reiterated the points urged by the applicants before the Judge Small Cause Courts. We are of the opinion that

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since deductions from the L.T.C. Bill as well as recovery for alleged excess advance had been made at Meerut where the opposite party was posted at that time, the Courts at Meerut had jurisdiction in the case.

8. So far as the amount payable to the opposite party in the light of the difference in fare on account of journey by a longer route is concerned, the finding of the Judge Small Cause Courts is a finding of fact and is not shown to be erroneous. We find therefore that the decree awarded by the Trial Court was correct.

9. The revision is dismissed with costs which we assess at Rs.500/-.

R.K.M.
Member (A)

A
Vice Chairman

Dated the 1st January, 1990.

RKM