

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 29-7-87

APPLICATION NO 408 /86(F)

W.P. NO

Applicant

Shri M.H. Suryanarayana

V/s The Asst. Collector of Customs &
Central Excise, Davangere & another

To

1. Shri M.H. Suryanarayana
U D C
Office of the Asst. Collector
of Customs & Central Excise
IDO : PB No. 313, P.J. Extn.,
Davangere - 577 004

2. The Assistant Collector of Customs
& Central Excise
I.D.O. : P.B. No. 313 : P.J. Extn.
Davanagere - 577 004

3. The Collector of Customs &
Central Excise
Belgaum Collectorate
Takked Building
Club Road
Belgaum - 590 001

4. Shri M. Vasudeva Rao
Addl Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said

application on 17-7-87.

RECEIVED 30/7/87
Encl : as above
30/7/87

B.V. Venkatesh Reddy
By, Registrar
SECTION OFFICER
(JUDICIAL)

d/c

31/7

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 17th DAY OF JULY, 1987

Present : Hon'ble Sri Ch.Ramakrishna Rao

Member (J)

Hon'ble Sri P.Srinivasan

Member (A)

APPLICATION No. 408/87(F)

M.HSuryanarayana, UDC,
Office of the Asst.Collector
of Customs & Central Excise,
IDO :PB No.313, P.J.Extn.,
Davangere - 577 004.

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Applicant

Vs.

1.The Assistant Collector of Customs,
& Central Excise, IDO,
Davangere - 4.

2.The Collector of Customs &
Central Excise,
Belgaum Collectorate,
Hakked Building, Club Road,
Belgaum - 1.

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Respondents

(Sri M.V.Rao

... Advocate)

This application has come up before the court today.

Hon'ble Sri Ch.Ramakrishna Rao, Member (J) made the following :

ORDER

The applicant is an Upper Division Clerk(UDC) in the Office of the Assistant Collector, Customs & Central Excise, Davangere (1st respondent- R1). On 2.7.1983, he applied to R1 for leave travel concession(LTC) advance of Rs.2,450/-. A sum of Rs.2000/- was sanctioned on 6.7.1983 by R1 towards the said advance. On 6.10.1983, the applicant submitted a bill for reimbursement of the expenses incurred by him and his family members for travelling to Srinagar and back under the LTC Scheme. The applicant also submitted along with his bill, the receipts in original for payments made by him. This was entered in the register of R1 at Sl.No.10/83-84. Thereafter,

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on 28.4.1984, 9.11.1984 and 1.12.1984, R1 wrote to the applicant that the bill along with the enclosures has been misplaced in the office and called upon the applicant to submit a fresh bill to substantiate his claim. Since the applicant could not submit a fresh bill and cash receipts to support his claim, he was directed by R1 by letter dated 1.5.1987 to credit the LTC advance to Government with penal interest thereon, Aggrieved by this order, the applicant has filed this application.

2. The applicant has filed a memo authorising one Sri G.B. Purohit, Inspector of Customs & Central Excise, to appear and plead for him in this case. We do not see any justification for accepting the memo and we, accordingly, reject the same.

3. The applicant, who appeared in person, submits that the original receipts in support of his LTC bill were already in the office of R1, and as such, it was not possible for him to produce duplicates of the same. He also submits that the originals were filed as long ago as on 2.7.1983 and if the office of R1 had misplaced the originals, there was no justification on the part of R1 to direct the applicant to produce the duplicates of the same, particularly after a lapse of over nine months.

4. Sri M.Vasudeva Rao, learned counsel for the respondents, submits that the applicant could have taken steps to obtain duplicate copies of the receipts and other vouchers filed by him and since he had not done so, the department had no other alternative but to ask him to credit back the LTC advance paid to him with penal interest thereon.

5. We have considered the rival contentions carefully. Normally, it should be possible to produce duplicate copies of the original vouchers but, in the present case, we are informed that the applicant performed the journey by bus and the travel agents who



conducted the tour, are no longer doing the business of travel agents with the result that the production of duplicate receipts has not been possible. The applicant, however, submits that he will be in a position to prove that he and his family members actually visited Srinagar. If such collateral evidence is produced by the applicant, within three months, the department should accept the same and pass the claim, since the difficulty in the present case has arisen because of the misplacement in the office of R1 of the vouchers submitted by the applicant along with the LTC bill, for which the applicant is not responsible. Meanwhile, respondents are directed not to proceed with the recovery of LTC advance paid to the applicant.

6. In the result, the application is disposed of on the lines indicated above. Parties to bear their own costs.



an.

Sd - - - - -

MEMBER (J) \

Sd - - - - -

MEMBER (A)

"True copy"

P. V. Venkatesh Reddy
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
29/5