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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, GULESTAN, BUILDING NO. 6
PRESCOT ROAD, BOMBAY-1
CAMP: NAGPUR

CA NO. 647/92

B B Raibole

..Applicant

V/s.

Union of India through
Secretary, Min. of Defence
New Delhi & another

..Respondents

CCRAM: HON. SHRI M Y PRIOLKAR, MEMBER (A)

ORAL JUDGMENT:

DATED: 30.7.93

(PER: M Y Priolkar, Member (A))

Heard Mr. Mohan Sudame, counsel for the applicant and Ms. Thompson for Mr. Ramesh Darda, counsel for the respondents.


2 The applicant, an employee of Ordnance Factory, Ambazari, with over 33 years service, while working as Turner, High skilled grade I, had drawn an advance of Rs.11,020 on account of Leave Travel Concession (L.T.C.) for his leave travel along with his family members. Although initially the applicant had indicated that he would commence his outward journey on 17.10.91 and on that basis obtained LTC advance on 16.10.91, he actually started his journey on 10.11.91. The applicant submits that he had submitted the necessary particulars of the journey to the department on 11.11.91 through a colleague of his and the LTC bill was submitted on 30.12.91. However, even before completion of his journey on 27.11.91, he was informed by the office that the advance would be deducted from his salary with 12.5 per cent interest. In response to his representation against deduction from his salary, he has been informed that the competent authority has not allowed his LTC claim since he had failed to show the

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tickets in original for onward journey as required under the standing orders of the office. The prayer in this application is that his LTC claim be allowed and the deduction made along with penal interest charged should be refunded to him.

3. The learned counsel for the applicant argued that his claim for salary is a superior claim and no such deduction can be made from his salary which is his vested right without following the procedure prescribed under the CCS(CCA) rules. He also argued that any standing order which enforces certain obligations on the employee should have also contained provisions regarding penalties, if any, for not complying with the orders. But the Ordnance Factory's order on the subject of payment of LTC does not lay down any penalty for non compliance with any of the requirements listed therein. The case of the respondents in their reply is that the employee has not complied with the requirement of the standing orders that he should produce tickets before commencement of the journey. He had sent only photo copies of the tickets and that, too, after the journey had already started. It appears that the respondents are not doubting the bonafides of the claim or that the journey has been undertaken. The only ground for denying the claim is that under the standing orders on the subject the tickets (3) for onward journey should have been produced within 10 days of the drawal of the LTC advance and before commencement of the onward journey but this requirement has not been complied with by the applicant.

4. Admittedly, the basic orders on the subject of LTC to the Central Government employee do not stipulate



that the concession would be subject to tickets for the journey undertaken being produced before commencement of the journey or that the tickets should be produced within 10 days from the drawal of the LTC advance. No doubt, the departmental authorities are entitled to impose any reasonable restrictions on the drawal of LTC with a view to prevent any misuse of this facility but they are also expected to ensure that the employees are not penalised only for non-compliance with time schedules laid down in the orders if such minor infractions from the standing instructions can be satisfactorily explained.

5. In the present case the only fault of the applicant was that he started onward journey after 18 days of drawal of advance instead of 10 days stipulated and that he submitted only photo copies of the ticket for onward journey instead of the tickets in original as was required under the standing orders. In my opinion, these infractions are not serious enough to deny the payment of LTC. The respondents have not explained as to how their scrutiny of the LTC claim submitted by the applicant will get diluted because of these inconsequential infractions from the standing orders. It appears that the respondents have no reservations regarding the genuineness of the claim and it is only for this non-adherence to the strict time schedule laid down for purchase of tickets and submission of the original tickets before the commencement of the journey that the LTC claim of the applicant is rejected. Admittedly, the original tickets have been submitted with the final LTC claim. In the circumstances I see no justification for the decision of the respondents to order recovery of the LTC advance from the salary of the employee with penal interest.

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6. In the result the application succeeds. The impugned order dated 28.3.92 ordering deduction of the advance from the salary is set aside. The respondents are directed to consider the LTC claim of the applicant on merits after relaxing the requirement in the standing orders about the time schedule and production of the original tickets before commencement of the journey. They shall refund whatever recovery has already been made with penal interest and also to pay him the LTC claim in accordance with the rules within a period of three months from the date of receipt of a copy of this order. No order as to costs.


(M Y PRIOLKAR)
MEMBER (A)

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