

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 647/93
TR.A.NO.

199

DATE OF DECISION 8.11.1993

Shri S.M.Pandhrikar & Ors. Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

1. Whether it be referred to the Reporter or not ? *M*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *M*

M.S. Deshpande
(M.S. DESHPANDE)
VICE CHAIRMAN

mbm

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, CAMP AT NAGPUR.

Original Application No.647/93.

Shri S.M.Pandhrikar & Ors.

..... Applicants.

V/s.

Union of India & Ors.

..... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,

Appearances:-

Shri C.B.Deshmukh, counsel
for the applicants.

Shri R.S.Sundaram, counsel
for the respondents.

Oral Judgment:-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 8.11.1993

Heard Shri C.B.Deshmukh, counsel for the
applicants and Shri R.S.Sundaram, counsel for the
respondents.

2. The only question which arises for
consideration is about the interpretation of para 2 of
the letter dt. 17.8.1971 (Annexure R-8) to the reply
which reads as follows:-

"It is once again clarified that the journeys
by the chartered busses shall be admissible
for L.T.C. only in those cases where the tour
is wholly operated and conducted by the
I.T.D.C./State Tourism Development Corporation,
either by their own buses or buses taken on
hire from outside. It should, however, be
clearly certified by the I.T.D.C./State
Tourism Development Corporation concerned that
the tour was actually conducted/operated by them
and not by any private party/person.

3. The applicants ~~who~~ claim Rs.3,292/- each which
has been ~~by now~~ recovered by the Respondents towards
the LTC amount which had been paid to them. The
certificate at page 34 of the application issued
by the I.T.D.C. shows that the tour to Darjeeling-
Calcutta-Puri etc. from 8.5.1992 to 28.5.1992 was
fully conducted by the I.T.D.C. from Nagpur. Normally

this certificate should have been enough for paying the amount as LTC to the applicants. But the Respondents contend that by the clarification given on 10.8.1992 (Annexure R-3) it was stated that the tour under reference operated upto Kathmandu via Darjeeling was by the Coach hired jointly by M/s.Saibaba Travels and I.T.D.C. and 19 passengers availed LTC upto Darjeeling through ITDC and rest of the passengers travelled through M/s.Saibaba Travels. The cost of transportation for 19 passengers availing LTC was borne by ITDC and this amount was paid to M/s.Saibaba Travels by three cheques. This does not detract from the version in the certificate dt.2.6.92 by the ITDC that the tour was fully conducted by the ITDC and even para 2 of the letter dt. 17.8.1987 on which the Respondents rely shows that the Buses could be owned or hired by the ITDC/STDC. The buses may be taken on hire partially or fully, but what is of consequence in order to ensure that the money given as LTC is utilised for the purpose ^{for} of which it was given is that the tour should be actually conducted or operated by the ITDC. In the present case it is apparent that though the expenses were shared with M/s.Saibaba Travels, so far as the applicants are concerned there ^{to} was conducted and operated by the ITDC. Consequently, I find that the recovery of the amount from the applicants was irregular.

4. The respondents are directed to refund the amount of Rs.3,292/- to each of the three applicants

.....3.

(b)

within two months from the date of communication of this order. There will be no order as to costs.


(M.S. DESHPANDE)
VICE-CHAIRMAN

B.