

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
J A I P U R

Date of order : 18.1.1994

O.A.No.945/1992

CHANNUMAL PARASHAR : Applicant

Vs.

UNION OF INDIA AND ORS. : Respondents

Present :

Mr.K.L.Thawani, Counsel for the applicant.

Mr.U.D.Sharma, Counsel for the respondents.

CORAM :

Hon'ble Mr.Gopal Krishna, Judicial Member

Hon'ble Mr.O.P. Sharma, Administrative Member

HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER :

Shri Channumal Parashar has filed this application under section 19 of the Administrative Tribunals Act, 1985, praying that the orders Annex. A/1 and A/2 denying the leave travel concession to the applicant for the block year 1986-1989 be quashed and that the respondents be directed to pass three T.A.bills amounting Rs.3,164/-, alongwith interest, submitted in connection with journeys performed to avail leave travel concession facility with the approval of the respondents.

2. The facts of the case are that the applicant availed himself of leave travel concession facilities for the block year 1988-1989. During the period 1988-1989 falling within the block of four years, he availed himself of facility for journey to home-town. The facility for availing leave travel concession during this block of four years was extended upto 31.12.1990. During 1990, the applicant and his family members also availed themselves of the facility to travel anywhere in India. In connection with their availing of facility to travel anywhere in India during 1990 i.e. during the extended grace period, they submitted claims to the extent of Rs.3,196/-. These claims were denied by the respondents. The applicant's case is that he had applied for these advances on three separate occasions because three separate journeys were performed and each time the advance claim was sanctioned by the respondents. He and his family members had performed the journey with the prior permission of the respondents. Therefore, there was no ground for the respondents to reject the claim when the final bills were presented.

3. The learned counsel for the applicant stated during the arguments that on each occasion when application was made for advances for performing the journey during 1990 by the applicant or members of his family, such advances were sanctioned by the respondents. Each of the journeys had been performed with the permission of the respondents. The respondents cannot, therefore, now turn around and say that the journey was unauthorised or not permissible under the rules.

4. The respondents in their reply have stated that a government servant who has already availed of leave travel concession facility to visit home-town in a block of two years cannot avail himself (of) the concession to visit any place in India within the same block of two years. Since the applicant had availed himself of the leave travel concession facility for home-town for the block years 1988-1989, he was not entitled to the said concession to visit any place in India within the said block years of 1988-1989.

5. During the arguments the learned counsel for the applicant had produced before us a book-let being Swamy's Compilation of Central Civil Service Leave Travel Concession Rules, 28th Edition, 1991. He had drawn our attention to page 13 of the said book-let at which certain examples have been given. From a perusal of the said examples it seems that a block year, let us say 1986-1989, is divided into two sub blocks. A government servant can, for example, travel anywhere in India in the first sub block 1986-1987 and can travel to his home-town in the second sub block 1988-1989. Or he can travel to his home-town in the first sub block and anywhere in India in the second sub block. He can also travel to his home-town in both the sub blocks. However, there is nothing to suggest that he can travel to his home-town as well as to any place in India during the same sub block. In the applicant's case during the sub block 1988-1989 he had performed journeys to his home-town. During the same sub block he has also performed journey anywhere in India. Even though, the journey

performed, for which claim has been preferred and has been rejected by the respondents, was performed during 1990 it was a journey performed in the sub block 1988-1989. This is not permissible under the rules. The learned counsel for the applicant has not been able to show us any rule or instructions under which this is permissible. His argument only is once the respondents have themselves agreed to grant him and his family members advances for undertaking the journeys they cannot reject the claim after the journeys had been performed and the bills has been submitted.

6. We have carefully considered the matter in the light of the submissions made by both the parties and the material on record. Under the rules, the leave travel concession facility for the journeys, twice within the same sub-block of the year is not permissible. It is true that the respondents did not reject the claim of the applicant when applications were made for grant of advances for undertaking the journey. It however should not be forgotten that the advances were not granted by the respondents suo-motu but were granted on the basis of the applications made by the applicant. The first wrong was committed by the applicant himself and the respondents only failed to reject the wrong application made in the first instance. Undoubtedly, the respondents should have been more vigilant at the very initial stage but this does not entitle

the applicant to the leave travel concession facility which is not permissible under the rules. We, accordingly reject this application with observations as in the following paragraph.

7. The learned counsel for the applicant has made a prayer during the arguments that the applicant being a low paid government servant the respondents may consider his request for condonation of the mistake with sympathy. We leave it to the respondents to consider the matter in the light of the submissions made by the learned counsel for the applicant.

8. There ^{be} ~~will~~/no order as to costs.

(O.P.S. ARMA)
Adm. Member

C. K. Mishra
(GOPAL PRISHNA)
Judl. Member