

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

TUES DAY THE first
ONE THOUSAND NINE HUNDRED AND DAY OF September
EIGHTY SEVEN

: PRESENT :

THE HON'BLE MR. B.N. JAYA SIMHA: VICE-CHAIRMAN
AND
THE HON'BLE MR. D. SURYA RAO: MEMBER.

ORIGINAL APPLICATION NO. 538/87.

Between:-

P.Venkatesamiah:

And

1) Union of India, rep. by
The Director of Postal services,
South Region, Kurnool - 5
2) The Superintendent, RMS, Aq. Bn,
Guntakal, Anantapur Dist.

.....Applicants.

.....Respondents.

Application under Section 19 of the Administrative
Tribunals Act, 1985 pray that in the circumstances stated therein
the Tribunal will be pleased to set aside the order of
recovery passed by the Superintendent, RMS,
Guntakal on his letter No. 13/LTC/P/R
dt - 16-7-87 (Anne - 6) and direct them
to conduct enquiry and to pay
the salary for month of July and
August, 1987 with arbitrariness.

ORIGINAL APPLICATION NO.538 of 1987

(ORDERS OF THE TRIBUNAL)

The applicant herein, who is working as LSG Sorting Assistant, HRO, RMS 'AG-dn.', Guntakal (Postal Department) filed this application challenging the order no.9/LTC/PVR dated 14-7-1987 passed by the Superintendent, RMS, AG-division, Guntakal wherein the second respondent ordered recovery of the LTC advance of Rs.4,900/- sanctioned to the applicant in one lumpsum together with penal interest from the pay and allowances of the official for July, 1987. The applicant submits that he is entitled to avail Leave Travel Concession once in a block of 4 years and he availed LTC during the block-years 1982-85 in the month of May, 1985. On his return from the LTC journey from Nandyal to Badrinath and back, he submitted cash receipts, permit particulars etc. along with his claim, in August, 1985. He also submits that all the ~~xxxxx~~ information asked for by the second respondent was furnished by him ~~xxxx~~ in September, 1985 and February, 1987. Again on 8-7-1987, the second respondent asked for some receipts and the applicant had asked the second respondent on 13-7-1987 to give him 15 days time for perusing the documents already submitted by him along with the Bill and furnishing a suitable reply. However, the second respondent arbitrarily ordered recovery of the entire amount in one lump along with penal interest from the pay and allowances of the applicant for the month of July, 1987. The applicant submits that this action of the second respondent is arbitrary and totally ~~is~~ unjustified as no proper enquiry has been conducted in the matter and therefore, the order dated 14-7-1987 of the second respondent is liable to be set aside.

2. We have heard the Learned Counsel for the applicant Mr.K.S.R.Anjaneyulu and the Central Government Standing Counsel,(Mr.G.Parameswara Rao - for Mr.K.Jagannadha Rao) for the Respondents. This application can be disposed of with a direction to the respondents to hold a regular enquiry by giving an opportunity the applicant to present his case. Respondents will furnish to the applicant all documentary and other evidence and give an opportunity to him before passing final orders. It is open to the applicant to produce documentary and other evidence regarding performance of the journey and to raise any contentions regarding maintenance of any recovery proceedings. Inasmuch as the orders directing recovery of advance have been issued without giving an opportunity to the applicant to substantiate his claim in regard to the performance of the journey, the impugned order is set aside. This order does not preclude the Department from conducting a regular enquiry in accordance with the directions given above.

3. With the above directions, the application is disposed of. No costs.

B.N.Jayasimha

(B.N.JAYASIMHA)
Vice-Chairman.

D.Surya Rao

(D.SURYA RAO)
Member (Jud1.)

1st September, 1987.