

ORDER OF THE TRIBUNAL

In this application the applicant is working in the Postal Department. He states that he is entitled to avail Leave Travel Concession once in a block year of 4 years.

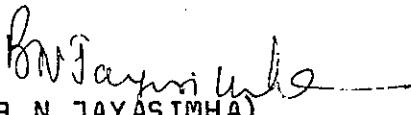
The applicant availed LTC during the block year 1978-81.

The applicant claimed that he had engaged a tourist contract van and proceeded to Srinagar. On his return he submitted cash receipts, permit particulars etc.

Subsequently, two orders were issued by the 1st Respondent viz. Order No.BGL-2/LTC/86-87 dated 4-11-1986 for recovery of LTC advance paid to him since he has not performed the journey and Order No.BGT-2/LTC/86-87 dated 5-11-1986 proposing to hold an enquiry under Rule 14 of CCS(CCA) Rules. It is these orders which <sup>are</sup> ~~is~~ challenged in this application.

2. We have heard the learned Counsel for the applicant Mr. K.S.R.Anjaneyulu and Counsel for the Central Government Mr. N.R.Dev Raj. Admittedly in regard to the alleged claims of LTC made by the applicant, a departmental enquiry under Rule 14 viz. Memo No.BGT-2/LTC/86-87 dated 5-11-1986 has been commenced. The charge is that he has not

produced proof of having performed the journey. One day prior to framing of charges, the respondents issued the order dated 4-11-1986 proposing to recover the LTC amount, claimed and paid to the applicant. Thus while deciding to hold an enquiry and even before disposing of the same the Department is proposing to make recoveries. This application can therefore be disposed of with a direction to the respondents not to make any recovery till the regular enquiry commenced under Rule 14 of CCS(CCA) Rules pursuant to the Memo dated 5-11-1986 is disposed of. ~~We have no~~  
~~doubt that~~ such an enquiry will be conducted in accordance with the rules and proper opportunity will be given to the applicant to rebut the charges. In as much as the orders directing recovery have been issued without completing the enquiry and giving an opportunity to the applicant to substantiate his claim in regard to the performance of the journey, the impugned order BGT-2/LTC/86-87 dated 4-11-1986 directing recovery is set aside. The enquiry ~~as~~ under the memo dated 5-11-1986 will however ~~go on~~ <sup>be proceeded with and further</sup> ~~go on~~ with these ~~actions taken on the basis of the enquiry.~~ <sup>With these</sup> directions this application is disposed of. There will be no order as to costs.

  
(B.N.JAYASIMHA)  
Vice Chairman

  
(D.SURYA RAO)  
Member(J)

Dated: August 17, 1987.