

59

Date of Judgment: 24-7-1995.

Ch. Narayanacharyulu ... Applicant.

1. Flag Officer Commanding-in-Chief
Eastern Naval Command, Visakhapatnam-14.
2. The Chief Staff Officer (P&A),
Eastern Naval Command, Visakhapatnam-14.
3. The Staff Officer (Civilians)
Eastern Naval Command, Visakhapatnam-14.
4. The Unit Accountant, Barack Store Office,
9-IRSD, Kancharapalem P.O.Visakhapatnam-8.
5. The Area Accounts Office, Controller of
Defence Accounts(Navy), A to Z Building,
Naval Armament Depot, P.O.Visakhapatnam-6.

... Respondents.

Counsel for the Respondents: Mr.N.R.Devaraj,Sr.CGSC.

HON'BLE MR.JUSTICE V.NEELADRI RAO,VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJANA MEMBER ADMINISTRATIVE.

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri Ch. Narayanacharyulu, party-in-person and Sri N.R. Devaraj, learned counsel for the respondents.

2. While the applicant was working as UDC in the Command Supply Office, Eastern Naval Command, Naval base, Visakhapatnam under the control of R-2, he applied for an amount of Rs.1925/- towards LTC advance for performing journey in the four-year block period 1986-89. He applied for leave from 19-9-1988 to 18-10-1988. It was actually paid to the applicant on 7-10-1988.

3. The plea of the applicant is that the cheque was ready on 29-9-1988 and as the Railway tickets were available then, he made a request to the concerned authority to pay the LTC advance to him; but the same was paid on 7-10-1988 on the pretext that it was the day on which the miscellaneous amounts will be disbursed.

~~The further~~ plea of the applicant is that when he inquired he was informed that the tickets to Delhi to which he intended to go were available only from 20-10-1988 and when he requested the concerned authority to extend the time beyond 60 days so as to enable him to perform the journey, the same was refused and hence he could not go on LTC in that block year.

4. When an amount of thousand rupees out of Rs.1925/- was paid as LTC advance was recovered from the pay bill for January 1989 and after other deductions when he got only Rs.153/- ^{for January 1989} he approached this Tribunal on 14-2-1989 ^{the following} praying for directions;

(54)

- i) to order respondent No.3 to refund the sum of Rs.1000/- recovered unwarrantly towards advance of LTC by quashing the Staff Minute Sheet No.CE/0957 dated 12-12-1988 issued by Respondent No.3.
- ii) to order R-3,4&5 to stop recovery of allied charges until such time the excess recoveries made are adjusted.
- iii) R-3 & 4 are ordered to strictly adhere to their own decisions in respect of affecting monthly recoveries regularly and avoid accumulated recoveries.
- iv) to order R-3 to maintain atleast 50% of pay and allowances by effecting the recoveries in easy instalments by giving full opportunity to represent against those proposed recoveries.
- v) R-5 be ordered for not to effecting the recoveries until such time exhausting all efforts with the pay disbursement Officers.
- vi) R-1 be advised to dispose of the Statutory Appeals before completion of 30 days of filing the Appeal with him since no provision exists to withholding Appeals.
- vii) Since R-3 has not followed the fundamental principles and affected the recoveries of full pay and allowances, and deprived the legitimate right of me, it forced me to file the case by coming over to Hyderabad, hence I specially prayed the Hon'ble Tribunal to consider the financial harassment and order for payments of TA/DA as per eligibility and also the Court fee of Rs.50/- in addition to treat the leave periods as on duty."

5. On 16-2-1989 an interim direction was given to the respondents not to recover Rs.925/- the balance of LTC advance proposed to be effected from the Salary ~~restraining~~ ^{with}

of the applicant from February, 1989 until further orders.

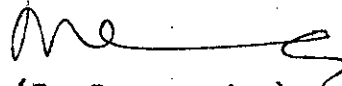
6. Even the applicant, who appeared in person, fairly conceded that an employ cannot retain an amount drawn as advance towards LTC, if he had not gone on LTC, even when the employee could not perform the journey due to the unjust action of the concerned authority.

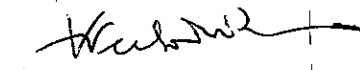
7. An amount drawn towards advance has to be either adjusted towards the amount expended for the purpose for which the advance was taken, or it has to be refunded. If it is by way of loan amount, it has to be repaid in instalments stipulated. As the applicant had not gone on LTC, the question of expending the amount towards the same has not arisen, and accordingly the entire LTC advance amount has to be returned. As already an amount of Rs.1000/- out of Rs.1925/- was recovered from the salary for January, 1989, the balance due is only Rs.925/- and the respondents are free to recover the same.

8. When the LTC was upto the block period 1986-89 the applicant could have enjoyed it till 31-12-1989, and it is stated for the respondents that it was extended even for some months in 1990. Be that as it may, the applicant instead of rushing to the Tribunal should have returned the amount and requested for cancellation of the leave and again applied for the LTC advance amount by stating that he could not undertake the journey because of the delay in receiving the amount and thereby he could not go on LTC. But anyhow there is no provision whereunder an employee can claim cash compensation and the right is only to claim

reimbursement of the amount incurred if journey was performed by way of LTC.

9. In the result the OA is dismissed. No costs.


(R. Rangarajan)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dated : July 24, 95
Dictated in Open Court


Dy. Registrar (Judl)

sk

Copy to:-

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Reference Accounts (Navy), A to Z Building,
Naval Armament Depot P.O. Visakhapatnam-6.
6. One copy to Mr. Ch. Narayanacharyulu, E/1
Pallava Park, Kancharapalem P.O. Visakhapatnam-530 009.
7. One copy to Mr. N.R. Devaraj, Sr. CGSC. CAT, Hyd.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

and

THE HON'BLE MR.R.RANGARAJAN : M(ADMN)

DATED:-- 24-7-1995.

ORDER/JUDGMENT.

M.A./R.A/C.A.No.

In

O.A.No.

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

pvm.

No spare copy

Central Administrative Tribunal
DESPATCH
27 SEP 1995
HYDERABAD BENCH.