

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

O.A.No,1193/93

Date of Judgement 4.10.93

Between:

M.Sadasive Raddy

.. Applicant

AND

Union of Indi, rep by

1. Superintendent RMS,  
TEDVN Tirupathi - Chittoor Dt.
2. Head Record Officer,  
RMS TP DVN Tirupathi - Chittoor Dt.
3. Union of India, - Chittoor Dt.

.. Respondents

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Counsel for the Applicant : Mr. D.Subrahmanyam

Counsel for the Respondents: Mr. N.V.Ramana

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CORAM

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

THE HON'BLE MR.P.T.THIRUVENGADAM : MEMBER (ADMN.)

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Contd., 2.

10/10/93

OA.1193/93

Judgement

( As per Hon. P.T. Thiruvengadam, Member (Administration) )

Heard Sri D. Subrahmanyam, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. The applicant in this OA was working in Railway Mail Service TP DDVN and retired from service on 1-6-1991. While in service he preferred a claim for Leave Travel Concession (LTC) for journey from Tirupathi to Srinagar in the year 1982. The claim was passed and paid to the applicant. Subsequently, R-2 vide his letter dated 22-11-1990 ordered recovery of the amount of the LTC claim already paid to the applicant under the plea that the claim was not genuine. The applicant alongwith 11 others filed OA.201/91 <sup>on</sup> under the file of this Bench challenging the said recovery. In its order dated 18-3-1992, the Tribunal directed the respondents to give a fresh opportunity to the applicants therein by placing before them the necessary evidences that are required for them to meet their objections. After hearing the objections and representations if any, the respondents were given liberty, if they found that the travel had not taken place and the LTC claim of the applicants were false, to recover the LTC amount paid ~~until further orders.~~

3. It is stated for the applicant that the inquiry has not been initiated so far. In the mean time, a letter dated 17-8-1993 has been issued by the Head Record Officer, Accounts, RMS, TP DVN, Tirupathi, to the Post Master, Chittoor, instructing that an amount of Rs.2,493/- which amounts to be the penal interest towards LTC advance for the Block years 1978-1981 should be recovered from the pension relief of the

To

1. The Superintendent RMS, Union of India,  
Tirupathi Division, Tirupathi, Chittoor Dist.
2. The Head Record Officer, RMS TP Divn, Tirupathi, Chittoor Dist.
3. The Head Post Master, Chittoor HQ, Chittoor Dist.
4. One copy to Mr.D.Subrahmanyam, Advocate, 8 Padmaja Apartments,  
Gandhinagar, Hyd.
5. One copy to Mr. N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

*Handwritten:*  
Amey  
PCG  
7/2/13

(21)

applicant. This OA has been filed with a prayer that the respondents may be directed to keep the order of recovery of penal interest of Rs.2493/- from the pension relief of the applicant in abeyance till the directions are issued by the Tribunal in OA.201/91 are complied with and genuineness or otherwise of the LTC claim is established. It is also prayed that the respondents may be ordered to refund the amount of LTC claim wrongly recovered from the applicant without complying with the directions of the Tribunal in OA.201/91.

4. In the circumstances, we pass the following order :

" If the inquiry as contemplated or ordered in OA.201/91 is not going to be completed by 31-12-1993, and if the delay in completion of the inquiry cannot be attributed to the applicants, the amount recovered towards LTC claim has to be refunded and it is without prejudice to the right of the respondents to recover it again if ultimately it is found on the inquiry referred to that the LTC claim was not genuine.

5. Till the inquiry, as contemplated by order in OA.201/91, is completed, the question of demanding penal interest does not arise. Hence, the demand of penal interest as per the impugned order dated 17-8-1993 had to be kept in abeyance as prayed for. It is needless to say that if ultimately the LTC claim is found to be <sup>not</sup> genuine, the said penal interest can be recovered and if the LTC claim is found to be genuine, the question of demand of penal interest would not arise."

5. The OA is ordered accordingly at admission stage.

No costs.

P. J. [Signature]  
(P.T. Thiruvengadam)  
Member (Admn.)

[Signature]  
(V. Neeladri Rao)  
Vice Chairman

Dated : October 4, 93

Dictated in the Open Court

sk

[Signature]  
Deputy Registrar

338 2493/-  
P.T. Thiruvengadam  
17.8.93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 4-10-1993

ORDER/JUDGMENT:

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

in

O.A.No. 1193/93-

T.A.No. (W.P. )

Admitted and Interim directions  
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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