

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.No.1197/93

Date of Order:1.10.93

Between:-

- 1.N.Muni Krishnan
- 2.M.Md.Rasool
- 3.K.Siddappa
- 4.G.Maltebu
- 5.E.Sahadeva Reddy
- 6.M.Anandam Naidu
- 7.S.Venkata Batnam
- 8.K.Markondaiah
- 9.P.Chandrashaker Reddy
- 10.K.Tiruvengadam Pillai
- 11.T.V.Ramulu
- 12.V.Vasu Udayar

.. Applicants

AND

- 1.The Union of India, Rep. by Postmaster General, Andhra Pradesh, Southern Region, Kurnool.
- 2.The Superintendent, Railway Mail Service, Tirupathi Division, Chittoor District.

.. Respondents

Counsel for the Applicants : Mr. K.Anantha Rao

Counsel for the Respondents : Mr. N.R.Devaraj S. C.

CORAM:

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

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

Contd., 2...

B.M.R.

JUDGMENT

(AS PER HON'BLE SHRI P.T.THIRUVENGADAM, MEMBER (ADMN.)

The applicants herein were working as Sorting Assistants in RMS, T.P.Division, Tirupathi. During the years 1982-83, they preferred claims for LTC for various amounts claiming that they travelled from Tirupathi to various places in North India. After due verification of the claims, the claims were accepted and the 2nd respondent paid the LTC claims. It is stated that later on, the 2nd respondent, on check, found that the applicants did not pass through Bannihal Check Post which was necessary to reach Jammu & Kashmir and an order was passed by the 2nd respondent in his letter dated 22.11.1990 directing recovery of the LTC amount from the applicants. The same was challenged in OA 201/91 on the file of this Bench. The OA was disposed of on 18.3.1992 and the operative portion therein reads as under:-

"The respondents are directed to give them a fresh opportunity by placing before them the necessary evidence that is required for them to meet their objections. After hearing their objections and representations, if any, the respondents are at liberty, if they found that the travel had not taken place and the LTC claims of the applicants are false, to recover the LTC amount paid until further orders. The interim order ceases to be in operation if the respondents decide to recover the said amounts from the pay and allowances of the applicants."

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2. While the matters stood thus, the Head Record Officer (A/cs) in letter dated 17.8.1993 addressed the Postmaster, Tirupathi HO and instructed recovery of ~~penal~~ interest on the LTC advance amounting to Rs. 5628/- from the 1st applicant. It has been advised that the amount should be recovered from the pension relief of the 1st applicant who retired from service. It is stated for the applicants 2 to 12 that it is apprehended that similar recovery of penal interest would also be made from them and hence this OA has been filed for a declaration that the action of the respondents in holding that the applicants had produced false claims for LTC and thus recovering the LTC amount and further punishing the applicants with postponement of increments, as illegal and for a consequential direction to the respondents to repay the amount of LTC claims to the applicants.

3. The learned counsel for the respondents, Shri N.R. Devaraj stated that the recovery of the LTC amounts had already been made by the time the order in OA 201/91 was passed on 18.3.1992. It is, however, the case of the applicants that no further inquiry has been conducted as directed by the orders of this Tribunal. Hence, the question of recovery of penal interest does not arise at this stage. As such the impugned order dated 17.8.1993 issued in the case of the 1st applicant is set-aside. We make it clear that if after inquiry, it is established that the LTC amounts have to be recovered, further action for collection of penal interest as per the impugned order may be taken thereafter. The respondents are free to take steps for recovery of penal interest, after inquiry.

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23/2/97

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4. As regards the other applicants, no action regarding recovery of penal interest should be taken till such time inquiry as ordered in OA 201/91 is conducted and a fresh opportunity is given to the applicants. ~~xxx~~ With regard to the remaining applicants, inquiry should be completed before the end of 1993. If as a result of the inquiry, the LTC claims are found to be false, there will be no need for repaying the amount already recovered. In such a case, steps for levying penal interest could be taken. If ~~xxx~~ in the inquiry, the ~~claims~~ are ^{established} expected to be genuine, then the amount recovered has to be refunded.

5. If the inquiry cannot be completed before the end of 1993 and if the delay cannot be attributed to the attitude ~~in the inquiry, amounts recovered should~~ the end of ~~the respondents~~ be refunded by January 1994. ~~are at~~ liberty to recover the amount if it is ultimately established ~~that the~~ false claims were made ~~by the applicants~~.

6. The OA is ordered accordingly at the admission stage. No costs.

D.J. 26
(P.T. THIRUVENGADAM)
MEMBER (ADMN.)

W
(V. NEELADRI RAO)

DATED: 1st October, 1993.

8/3/10/93
Deputy Registrar (J)

To vsn

1. The Postmaster General, Union of India, A.P. Southern Region, Kurnool
2. The Superintendent, Railway Mail Service, Tirupathi Division, Chittoor Dist.
3. One copy to Mr. K. Anantha Rao, Advocate, New Malakpet, Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

*W.S.B.
10/10/93*

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.GORTHI : MEMBER(A)

AND

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

AND

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

Dated: 1 - 10 -1993

ORDER/JUDGMENT:

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

in

O.A.No. 1197/93

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.

(A)

3.13.93

pvm

