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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1367/93

Date of Order: 1.3.94

BETWEEN:

M.Venkata Reddy

.. Applicant.

A N D

1. The Comptroller and Auditor
General of India, 10,
Bahadurshah Zafar Marg,
New Delhi - 110 002.
2. Accountant General (Audit) II,
Andhra Pradesh,
Saifabad.
Hyderabad - 500 463.
3. Govt. of India, rep. by the
Secretary, Ministry of Personnel
Pensions and Public Grievances,
Government of India,
New Delhi - 110 001.

.. Respondents.

Counsel for the Applicant

.. Mr. I. Dakshina Murthy

Counsel for the Respondents

.. Mr. G. Parameswara-
Rao

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

13-
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J U D G E M E N T

I AS PER SHRI V. NEELADRI RAO, VICE-CHAIRMAN I

Heard Shri I. Dakshina Murthy, learned counsel for the applicant and also Shri G. Parameshwara Rao, learned standing counsel for the respondents.

The applicant is working as Audit officer in the office of Accountant General, Audit II, A.P. He applied for an advance amount of Rs.6,880/- for availing L.T.C. for the block period of 1986-89 which was extended upto 31.3.91 in the first instance and the ^{amount} ~~second~~ ^{said} advance was paid to him on 28.11.90. By circular dated 25.1.91, the availment of L.T.C. from that date till 31.3.91 was suspended. The said circular was affixed on the notice board of the office in which the applicant was working. On 1.2.91 the applicant addressed a letter to Accountant General, Audit 2 requesting for permission to proceed to Calcutta by way of availing L.T.C. as he had already booked the tickets and he had also made arrangements for visiting places in Calcutta through West Bengal Tourism Department buses and he would incur loss if he had to cancel the same (vide Annexure II). The applicant proceeded to Calcutta and after return he submitted the L.T.C. bill dated 14.2.91 and the same was passed and the balance amount was recovered from his salary in February & March, '91. It is also stated that penal interest was also collected for the delay in refunding the balance amount.

To

1. The Comptroller and Auditor General of India,
10, Bahadurshah Zafar Marg, New Delhi-2.
2. The Accountant General (Audit) II
A.P. Saifabad, Hyd-463.
3. The Secretary, Ministry of Personnel Pensions
and Public Grievances, Govt. of India,
New Delhi-1.
4. One copy to Mr. Dakshinamurthy. I. Advocate, CAT. Hyd.
5. One copy to Mr. G. Parameswara Rao, SC for AG. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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3. By letter dated 2.4.92 of the Accountant General, Audit II, the applicant was directed to refund Rs. 4,928/- , the L.T.C. bill amount on the ground that he was not entitled to avail L.T.C. during that period. In the representation (Vide Annexure 6), the applicant stated that he proceeded on the basis of the oral approval of the competent authority and as the Bill was passed ^{as} and he has undertaken the journey in good faith, the respondents are not justified in recovering the amount of Rs.4,928/- from him.

4. The period for availment of L.T.C. for the block period 1986-89 ended on 30.6.91. If before 30.6.91 the applicant was made known that he has to refund the L.T.C. bill amount of Rs.4,928/- ^{would have the} he ~~had~~ opportunity of availing L.T.C. for the said block ^{period} before 30.6.91. But ^{as} refund was claimed only by letter dated 2.4.92 i.e. long after 30.6.91, the applicant has lost the opportunity to avail L.T.C. for the block period 1986-89 if he has to refund the amount of Rs.4,928/- in regard to the journey made by him in February, '91 itself, and when no demand was made before 30.6.91, it has to be held that the respondents are ^{stopped} ~~estopped~~ from recovering ~~from him~~ Rs. 4,928/-, the L.T.C. bill amount for the applicant could not have thought of availing L.T.C. before 30.6.91 when his L.T.C. bill was passed in February, '91.

5. For the reasons stated above, the demand as per letter dated 2.4.92 is set aside. The OA is ordered accordingly. No costs.

(V. NEELADRI RAO)
Vice-Chairman

Dated the 1st March, 1994
Open court dictation

NS

Dy. Registrar

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. R. RAKARAJAN : MEMBER
(ADMN)

Dated: 1-3-1994.

ORDER/JUDGMENT:

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

in

O.A.No. 1367/93

T.A.No. (W.F.No.)

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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