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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A. No. 1533/93.

Date of Judgement : 23.8.1995

K. Sitaramanjaneyulu

.. Applicant

Vs.

Accounts (Postal),
Andhra Circle,
Abids, Dak Sadan,
Hyderabad-500001.

2. The Director General,
Dept. of Posts
New Delhi.

3. The Secy., to G.O.I.,
Min. of Personnel,
Public Grievances
and Pensions
(Dept. of Personnel
and Training),
New Delhi.

.. Respondents

Counsel for the Applicant :: Shri K. Venkateswara Rao

Counsel for the Respondents :: Shri K. Bhaskar Rao, Addl. CGSC

C O R A M

Hon'ble Shri A. B. Gorthi : Member (A).

J u d g e m e n t

(As per Hon'ble Shri A. B. Gorthi : Member (A))

The claim of the Applicant for leave travel concession (L.T.C. for short) to his hometown Repalle having been rejected by the Respondents, this O.A. has been filed for a direction to the Respondents to pass his L.T.C. claim for Rs. 2,212/-.

2. The Applicant is a Senior Accountant in the Office of the Director of Accounts (Postal), Andhra Circle, Hyderabad.

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During the block years 1986-89 the Applicant and his family availed of the L.T.C. for the journey to Varanasi and back performed in June, 1987. The said concession was availed against the block years 1986-87. So, for the next block of L.T.C. to his hometown only. He could not avail the same during the period 1988-89 for some reason or the other.

In September, 1991 he proposed to go to his hometown Repalle and accordingly applied for an advance of Rs.1,600/- for the journey of self and family and ~~this~~^{the said 1} application was made in respect of the L.T.C. for the block years 1988-89. The advance was allowed but when he submitted the ^{claim} final ~~final~~ of L.T.C. for a sum of Rs.2,212/- the same was rejected vide impugned memo dated 30/31.3.93.

3. Rule 8 of the CCS (LTC) Rules, 1988 (LTC Rules for short) provides for two types of L.T.C. to Govt. employees. L.T.C. to hometown is admissible once in a block of two calendar years, such as 1986-87, 1988-89 and so on. The second type of L.T.C. is the one to any place in India which is admissible once in a block of four calendar years, such as 1986-89, 1990-93 and so on. Proviso to Rule 8 clarifies that in the case of the Govt. servant to whom L.T.C. to hometown is admissible, the L.T.C. to any place in India availed of by him shall be in lieu of the L.T.C. to hometown and it will be so adjusted.

4. Rule 10 of the LTC Rules provides for carrying over of L.T.C. Accordingly, if a Govt. servant is eligible to avail of the L.T.C. within a block of two years or four years, he may avail of the same within the first year of the next block of two years or four years respectively. It is thus clear that L.T.C. should be availed of within the specified block of

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two years or four years or within the first year of the next block of two years or four years and that it cannot be carried over any further.

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In relaxation of the stipulation laid down in Rule 10 of the LTC Rules, the Government decided to extend time upto 30.6.91 in respect of those employees who were eligible for the L.T.C. to visit any place in India in the block years 1986-89 and who could not avail it within the normal carry over period upto 31.12.90. This last date of 30.6.91 was further extended

6. Shri K.Venkateswara Rao, learned counsel for the Applicant urged that the extension given by the Government vide Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training O.Ms dt. 18.12.90 and 20.6.91 would apply to L.T.C. to hometown also and accordingly the claim of the Applicant for L.T.C. in September, 1991 against the entitlement for the block years 1988-89 deserves to be passed. The Respondents in their reply affidavit have stated that the Applicant was entitled during the block years 1986-89, two L.T.Cs to hometown (one for 1986-87 and the other for 1988-89) or for one L.T.C. to hometown and the other to anywhere in India. The Applicant having availed of the L.T.C. to anywhere in India in the block years 1986-87, he was eligible only to L.T.C. to hometown in the block years 1988-89. The Applicant failed to avail of the concession of L.T.C. to hometown during 1988-89 or even during the extended period of one year i.e., upto 31.12.90. The Respondents further contend that the extension of time upto 30.6.91 as given by the Government vide O.Ms dt. 18.12.90 and 20.6.91 would apply only to L.T.C. to anywhere in India during the block years 1986-89 and not to L.T.C. to hometown.

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A careful reading of the Government's aforestated O.Ms would clearly indicate that the Staff side in the National Council -- -- -- -- -- that a large number of Govt. servants were not able to avail the L.T.C. to any place in India for the block years 1986-89 for various reasons. The representation of the Staff side was considered by the Government and a decision -- -- -- -- -- to visit any place in India for the block years 1986-89 upto 30.9.91 (underlined for emphasis). There can be no doubt that the extension of time as granted by the Government -- -- -- -- -- place in India and not to L.T.C. to hometown.

7. Shri K.Venkateswara Rao referred to Rule 4(a) of the LTC Rules which defines "a place in India" as covering any place within the territory of India, whether it is on the mainland India or overseas. His contention, therefore, is that any place in India includes hometown also and accordingly the extension of time given by the Government in respect of L.T.C. to any place in India would automatically apply to L.T.C. to hometown also. This argument, in my opinion, is correct. It is also correct that when an employee is entitled to L.T.C. to any place in India he can utilise the same to any place within the territory of India including his hometown. It cannot however be said that L.T.C. to any place in India is the same as L.T.C. to hometown. These are two distinct types of L.T.C. admissible to Govt. employee and hence if extension of time is given to avail L.T.C. to visit any place in India upto 30.9.91 it cannot automatically be construed as giving extension of time to avail L.T.C. to hometown also after that period.

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8. The next limb of the argument of Shri K. Venkateswara Rao is that giving such extension in respect of L.T.C. to any place elaborately contended that a Govt. servant who availed L.T.C. in the block years 1986-87 to hometown would be eligible to the benefit of extension of time to claim L.T.C. to any place in India, whereas a Govt. servant who availed L.T.C. to any place in time for availing L.T.C. to hometown. The said argument cannot be accepted for the simple reason that there was no discrimination whatsoever in the order of the Government in granting extension of time to claim L.T.C. to anywhere in India. It gave some benefit only to those employees who could not, for certain reasons, avail of this concession during the block years 1986-89. Obviously those who could not avail of the concession and those who could avail of it are two distinct classes of employees and if concession is given to one such category, for justifiable reasons, it cannot be said to be either arbitrary or discriminatory. Similarly it cannot also be urged that if the extension of time is granted in respect of L.T.C. to anywhere in India such similar extension of time should have been given for L.T.C. to hometown also.

9. Finally the Applicant's counsel argued that the Respondents examined the request of the Applicant for an advance of Rs. 1,600 towards the proposed L.T.C. to hometown and allowed the advance, and as such the Respondents should be estopped from saying that the Applicant was not entitled to avail L.T.C. (hometown) after the expiry of the usual grace period of one year. It is settled ^{position &} that there can be no estoppel against law. Under the relevant rules, L.T.C. to hometown can be carried over only to the first year of the next block of two years/four years.

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There is no provision under which L.T.C. to hometown could be carried over beyond the grace period of one year. As already observed by me, the extension of time given by the Government upto 30.9.91 pertained only to L.T.C. to anywhere in India for the block years 1986-89 and not to availing of L.T.C. to hometown.

of the Applicant has been rightly rejected by the Respondents. The O.A. is, therefore, dismissed but there shall be no order as to costs.

transcript
(A.B.Gorthi)
Member(A).

Dated: 23 Aug., 1995.

Abdul
Deputy Registrar(Jud1.)

br.

Copy to:-

1. The Director of Accounts (Postal), Andhra Circle, Abids, Dak Sadan, Hyderabad.
2. The Director General, Dept of Posts, Dak Bhawan, New Delhi.
3. The Secretary to Govt of India, Ministry of Personnel, Public Grievances and Pensions (Dept of Personnel and Training), New Delhi.
4. One copy to Sri. K. Venkateswara Rao, advocate, CAT, Hyd.
5. One copy to Sri. K. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 23/8/1995.

M.A./R.A./C.A.NO.

IN
O.A.NO. 1533/93

T.A.NO. (W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

R-6/9/95

Rsm/-

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Central Administrative Tribunal
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HYDERABAD BENCH

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