

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

DA 1078/93.

Dt. of Order:11-3-94.

V.Prakash

....Applicant

Vs.

1. The Sr.Superintendent,
RMS, Y-DN, Vijayawada-520 001.
2. The Post Master General, Hyd.
Regn., Hyd-1., 5th Floor,
Daksadan, Hyd.
3. The Supdt., RMS, Z-Divn., Hyd-1.

....Respondents

Counsel for the Applicant : Shri T.Lakshminarayana

Counsel for the Respondents : Shri V.Beemanna, Addl.CGSC

CDRAM:

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

....2.

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that the applicant has to pay penal interest as per the prescribed rates. From the refund of the amount of the advance of Rs.3684, drawn by the applicant it is quite evident that the applicant had not utilised the said amount for the purpose for which it was meant. As a matter of fact, it is case of the respondents that the applicant had not performed the journey on leave travel concession from Vijayawada to Mayoliang in Arunachal Pradesh and that the applicant had failed to produce the required proof as having performed the said journey.

7. So the recovery of Rs.3684 from the applicant which the applicant had drawn towards LTC advance is not at all in dispute in this OA but as already pointed the dispute is only with regard to collection of penal interest. As already pointed out as the respondents have committed a mistake in charging the penal interest from the date of rejection of LTC claimed up to the date of refund of advance amount of Rs.3684 instead of charging penal interest from the date of receipt of the said LTC advance by the applicant till the same was repaid by the applicant. The said mistake had been subsequently rectified. In view of the facts and circumstances of the case it appears that action of the respondents in correcting the said mistake in the manner of collection of penal interest and initiating proceedings as against the applicant to recover penal interest due from him on the said sum of Rs.3684 is valid.

8. So we see no merits in this OA. It is the contention of the applicant that interest on interest cannot be collected from the applicant. There cannot be any question of collecting interest on interest as the same is not legal hence the OA is disposed of with the following directions :

i) The respondents are hereby directed to collect the penal interest in accordance with the instant instructions as per the prescribed rates on the said sum of Rs.3684 from the date the

T. C. P.

6/10/19
7/10/19

to be recovered. At that stage the applicant had approached this Tribunal to direct the respondents to quash the letter dated 10-2-1993 issued by the respondents HRO Z Division, Mahabubnagar, to recover Rs.2766 from the applicant and to pass such other orders or orders as may deem fit and proper in the circumstances of the case.

3. Counter is filed by the respondents opposing this OA.

4. We have heard in detail Mr. T. Laxminarayana, counsel for the applicant and Mr. V. Bhimanna, SC for the respondents.

5. It is not in dispute that the applicant had been paid a sum of Rs.3684 towards LTC advance to enable the applicant to perform journey on leave travel concession from Vijayawada to Hayoliang in Himalayan Mountains in Arunachal Pradesh. As a matter of fact the applicant had refunded the said amount of Rs.3684 paid to him towards LTC advance as the respondents had found that the applicant had never performed the said journey. But while collecting ^{penal interest on the} the said sum of Rs.3684 a mistake had been committed by the respondents in the calculation of penal interest. The said mistake was that the respondents had charged penal interest for the said sum of Rs.3684 on the applicant from the date LTC bill had been rejected upto the date of refund of the amount of Rs.3684. But the correct way of charging the penal interest would have been from the date the applicant had been paid the advance of Rs.3684 upto the date of refund of the said sum of Rs.3684. So due to the mistake committed by the respondents in charging the penal interest action had been again taken against the applicant as per the letter dated 10-2-1993 issued by the respondents to HRO 'Z' Division, Mahabubnagar, to recover Rs.2766 from the applicant towards penal interest.

6. It is not in dispute that where the LTC advance had ^{not} been utilised for the purpose it is meant, under the relevant rules

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sum of Rs.3684 had been recovered from the applicant.

9. The OA is disposed of accordingly leaving the parties to bear their own costs.

CERTIFIED TO BE TRUE COPY

P. S. S. Rao

Date.....*7/11/94*.....

Court Officer

Central Administrative Tribunal

Hyderabad Bench

Hyderabad

To

1. The Sr.Superintendent, RMS, Y-DN, vijayawada-1.
2. The Postmaster General, Hyderabad Region, sk Hyderabad-1, 5th Floor, Daksadan, Hyderabad.
3. The Superintendent, RMS, Z-Divn., Hyderabad-1.
4. One copy to Mr.T.Lakshminaryana, Advocate, CAT.Hyd.
5. One copy to Mr.v.Bhimanna, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
- ~~7. One spare copy.~~

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O.A. 1079/93

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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. A. B. GURTHI : MEMBER (A)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 20/6/1994.

ORDER/JUDGMENT: ✓

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

in

C.A. No.

1079/93

T.A. No.

(W.P. _____)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

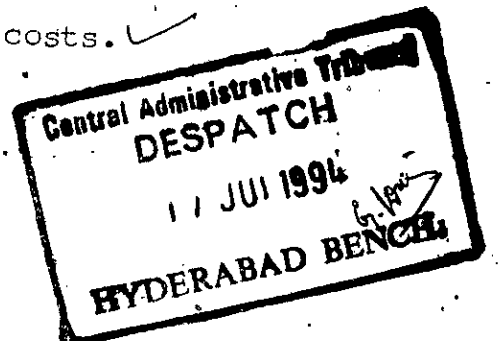
Dismissed as withdrawn

Dismissed for default. ✓

Rejected/Ordered.

No order as to costs. ✓

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27/6/94