

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 130/94.

Dt.of Decision : 12-8-94.

1. Sri A.DaiVadeenam
2. K. Subbanayudu
3. P.Gurappa

.. Applicants.

Vs

1. Union of India rep. by
Post Master General
Andhra Pradesh,
Southern Region, Kurnool.
2. The Superintendent RMS
'TP' Division, Tirupati.
3. Head Record Officer RMS
TP Division, Tirupati.

.. Respondents.

Counsel for the Applicants : Mr. D.Subrahmanyam

Counsel for the Respondents : Mr. N.R.Devarej, Sr.CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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(GJ)

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O.A. No. 130/94

Dt. 12.8.94

(As per Hon'ble Shri A.V. Maridasan, Member (Judl.))

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The three applicants in this case while working in R.M.S. TP Division, Tirupati claimed LTC for visiting various places in India during the years 1978-81. Their claims were allowed and payments are made to them. After nearly a lapse of 8 years in the year 1990 the second respondent ordered recovery of the amounts paid to them towards LTC on the ground that the claims were not genuine as it was revealed in an enquiry that the vehicles in which they had claimed to have travelled, did not cross through Banihal Check post. Similar to the applicants, several other employees also were directed to repay the LTC amounts on the same grounds. Some of them filed OA. 201/91 before this Tribunal, the Tribunal set aside the order and directed the second respondent to give opportunities to the officials to examine the documents relied on by the respondents for reaching the conclusion that the LTC claims false and then to take an appropriate decision. Thereafter the respondents called upon the applicants to appear before them and to produce any evidence in their possession to substantiate their claim that they had undertaken the journey to claim. After the applicants appeared and as they did not produce any further

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evidence a decision ~~was taken~~ for withholding of 3 increments of the applicants as a punishment and the LTC amount with penal interest was ordered to be recovered. It is against the decision that the applicants have filed this application praying that the order for recovery may be quashed granting to the applicants the same relief which was granted by the Tribunal to the applicants in OA.692/93 and 1193/93.

2. The respondents opposed the application. Though a reply has not been filed Shri N.R.Devraj, learned standing counsel for the respondents brought to my notice that pursuant to the direction contained in the judgement in OA.201/91 all concerned including the applicants were given opportunities to appear before the authority between 15.12.93 and 17.12.93 for examining the documents relied on by the respondents as also to produce any evidence which the applicants wished to produce to substantiate their claim and that it was after offering such an opportunity to the applicants that the decision to recover the LTC amount as also to charge penal interest was taken.

3. I have heard the arguments of ~~the~~ Shri D.Subramanyam, learned counsel for the applicants and Shri N.R.Devraj, learned standing counsel for the respondents. In the judgement in OA.201/91 a direction was given to allow the officials to examine the

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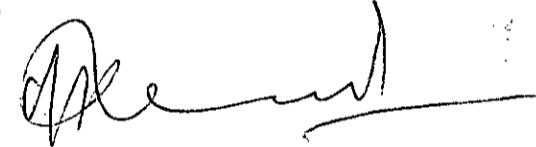
documents on the basis of which the department held that the LTC claims were not genuine and also to place ~~on~~ related any other materials which they intended to substantiate their claim. This direction, obviously, has been complied with since the applicants and similar others were directed to appear before the respondents between 15 and 17.12.93 for examining the documents as also for placing ~~on~~ records. ^{Penalty evidence} It was after this, that they ^{Penalty} reviewed the order directing recovery be made. I am convinced that the respondents have complied with the directions in OA.201/91. Since ~~on~~ materials available with the respondents, after giving the applicants and other applicants a reasonable opportunity to recover the LTC amount. of hearing that a decision was taken. Therefore the decision for recovery of LTC amount paid to them cannot be faulted.

4. The learned counsel for the applicants submits that the penal interest has been recovered from the applicant after filing of this application. He submits that the recovery of penal interest after inordinate delay is too harsh and unjustified. I am also of the considered view that as the payment of LTC was made nearly a decade prior to the action for recovering penal interest, it is a case in which the respondents should reconsider the levy of penal interest. To recover the penal interest from low paid employees after such an inordinate delay does not appear to be proper.

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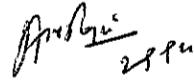
However, I feel that in the circumstances of the case, the respondents have to reconsider the issue and take a fresh decision regarding the ~~review~~ ^{levy} of penal interest. In the result, while declining the prayer for refund of the amount of LTC recovered from the applicant, I dispose of this application with a direction to the respondents to reconsider the question of levying penal interest and if ^{the} a decision is already taken to ~~levy penal interest~~, ^{not to levy} not to levy penal interest ^{and} to refund the amount of penal interest if any recovered from the applicant within a period of four months from the date of communication of a copy of this order. This direction is given in ~~order~~ line with the directions given to similar applicants in OA203/94. No order as to costs.



(A.V. HARIDASAN)
Member (Judl.)

Dated: 12th August, 1994

(Dictated in the Open court)


DEPUTY REGISTRAR (J)

sd/mvl

Copy to:

1. The Post Master General, Union of India, Andhra Pradesh, Southern Region, Kurnool.
2. The Superintendent, RMS, TP Division, Tirupathi.
3. Head Record Officer, RMS, TP Division, Tirupathi.
4. One copy to Mr. D. Subrahmanyam, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare Copy.

YLKR

Typed by *D.S.*
Checked by *D.S.*

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN: MEMBER(J)

AND

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

Dated: 12-8-94

ORDER/JUDGMENT.

M.C./R.P./C.P. NO.

C.A.NO. 130/94 in
T.A.NO. (W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Dismissed with directions.

Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

