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ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Dt. of Decision : 15.11.94.

M. Sadasiwa Reddy

.. Applicant.

vs

1. Postmaster General,
Andhra Pradesh - Southern Region,
Kurnool - 518 004.
2. Superintendent, RMS 'TP Division,
Tirupati - 517 501.
3. Head Postmaster,
Chittoor Head Post Office,
Chittoor. .. Respondents.

--- the Applicant : Mr. D. Subrahmanyam
Counsel for the Respondents : V. Bhimanna, Addl. CGSC.

CORAM:

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

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OA 229/94.

Dt. of Order: 15-11-94.

(Order passed by Hon'ble Shri A.B.Gorthi,
Member (A)).

* * *

The Leave Travel Concession (LTC for short) claim of the applicant for the block year 1982-85 for his journey with family members from Chittoor to Amritsar was allowed by the Respondents and passed for a sum of Rs.2,922/-, which was paid to the applicant on 31-3-1983. After a lapse of nearly eight years, the Respondents recovered the said amount from the salary of the applicant in February, 1991. Aggrieved by along with 11 other similarly situated employees the same he/approached the Tribunal in OA 201/91. The said O.A. was disposed of by the Tribunal with a direction to the Respondents in the following terms :-

"6. 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."

Subsequently when the Respondents attempted to recover penal interest on the amount of LTC claim, the applicant again approached the Tribunal with OA 1193/93. The same was disposed of on 4-10-93 with a direction to the Respondents to complete the enquiry, as ordered in OA 201/91 and proceed further in the matter in accordance with the result of the enquiry. Till

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the completion of the enquiry no penal interest was to be recovered from the applicant.

2. The Respondents state that they have completed the enquiry and found that the LTC claim submitted by the applicant was ~~false~~. It is/stated in the ~~order~~ ^{so} of the Superintendent, R.M.S. Tirupathi Division ~~SM 8xxx~~ No.J-16/3 dt. 22-1-1992. The order read with the annexure shows the confused state of mind of the concerned official in proper assessment of the facts of the case. It would be seen that initially the Respondents clubbed all the 12 individuals who preferred LTC claims together and found their claims/false on the ground that it was discovered that the vehicle in which the claimants were supposed to have travelled to Srinagar or beyond did not pass through Banihal Tunnel. Obviously it escaped the attention of the Respondents that the LTC claim submitted by the applicant is for Amritsar and not for a place in Kashmir. It is not disputed that one does not have to pass through Banihal Tunnel to reach Amritsar, which is in the plains of Punjab.

3. In the annexure to the order dt.22-1-94, the Respondents took the plea that the applicant submitted a copy of the party letter to the effect that they engaged a bus No. APP 4884 and that 55 passengers travelled in it. Learned counsel for the applicant stated that this is a wrong statement ~~recorded~~ by the Respondents as the consistent plea of the applicant is that he and his family travelled in Motor Cab No.AAC 3175 with permit No. TVP 13/79. Obviously the Res-

Copy to:-

1. Postmaster General, Andhra Pradesh, Southern Region, Kurnool-004.
2. Superintendent, R MS 'TP Division, Tirupati-501.
3. Head Postmaster, Chittoor Head Post Office, Chittoor.
4. One copy to Sri. D.Subrahmanyam, advocate, 8, Padmaja Apartments, Gandhinagar, Hyderabad.
5. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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Shri Rsm
12/11/09.

Respondents once again had their facts mixed up and stated irrelevant material in the annexure pertaining to the applicant. The Respondents further took the plea that the Motor Cab engaged by the applicant was the same, which was used by Sri P.Chandrashekhar Reddy, According to the LTC particulars furnished by the said Sri P.Chandrasekhar Reddy, the vehicle after performing a long journey returned to Chittoor on 7-1-83 at 23-30 hours. The Respondents therefore claim that the vehicle could not have again left for a long journey taking the applicant and his family on 8-1-83. This, at the most, is a conjecture and may not conclusively establish that the vehicle was not used by the applicant and his family for the journey that he claimed to have performed.

4. It is often stated that suspicion, however strong cannot take the place of formal proof. In the instant case it appears that the Respondents proceeded against the applicant more on suspicion and under mistaken facts as was done initially and not on the basis of thorough and sound investigation resulting in establishing the true facts of the case. Under these circumstances, the benefit must go to the applicant.

5. In the result, the O.A. is allowed and the impugned order of Respondent No.2 dt.22-1-94 is hereby set aside. The amount recovered by the Respondents shall be returned to the applicant within a period of 3 months from the date of communication of this order. No order as to costs.

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(A.B.GORTHI)
Member (A) *Amulya*
Dt. 15th November, 1994.

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Dt. 15th November, 1994.
Dictated in Open Court.

Dr. Registrar (J)

contd... 5/-

Typed by
Checked by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. A. H. KHAN, M.R.A. MEMBER

AND

THE HON'BLE MR. A. G. GORTHI, M.R.A. MEMBER

Dated: 15/11/94

ORDER/JUDGMENT

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

in

O.A. No.

229/94

I.A. No.

(M.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.

Respectfully

Central Administrative Tribunal
DESPATCH
29 NOV 1994
A. H. Khan
HYDERABAD BENCH

YLR

15/11/94