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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O. A. No. 700/94

Date of Order: 13.12.94

BETWEEN:

S.Venkata Ratnam

.. Applicant.

A N D

1. The Chief Post Master General,
Hyderabad
2. The Superintendent, Railway Mail
Service, Tirupati Division,
Tirupati.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.K.Anantha Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

- - -

CORAM:

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

- - -

O.A.No.700/94

Date of Order: 13.12.94

X As per Hon'ble Shri A.B.GORTHI, Member (Admn.) X

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The applicant while working as Sorting Assistant in the RMS, TP Division, Tirupati preferred L.T.C. for the journey to Srinagar and back, which he claimed that he performed with his family. The department found the said claim as false and recovered the L.T.C. amount. Aggrieved by the same the applicant along with some others filed O.A.201/91 which was allowed with a direction to the respondents to place before the applicant the relevant evidence and ^{to} give an opportunity to him to explain or rebut the same before arriving at a conclusion.

2. Once again the applicant approached the Tribunal in OA.117/93 stating that the respondents did not comply with the order in OA.201/91. The Tribunal directed the respondents to take necessary steps ^{already} as directed in OA.201/91. In the present OA the claim of the applicant is for setting aside the order of the respondents directing recovery of the L.T.C. amount.

3. The respondents proceeded against the applicant under Rule 16 of the CCS (CCA) Rules, 1965. The said proceedings culminated in the imposition of the minor penalty of reduction in time scale of pay for a period of 3 months without cumulative effect.

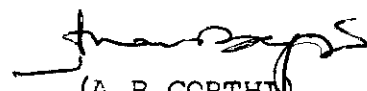
4. The respondents in their reply affidavit have stated that the claim of the applicant that he and his family travelled to Srinagar was not substantiated

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on verification, as it was found that the vehicle ^{in which} the applicant's family was said to have travelled did not pass through Banihall Toll gate. The respondents further contended that the applicant accepted the minor penalty imposed upon him and as such he cannot complain against the recovery of the L.T.C. amount.

5. In a similar case (O.A.723/94 on the file of this bench of this Tribunal) it was observed that the applicant having accepted the minor penalty without protest cannot reagitate the matter. The finding in the enquiry under Rule 16 of CCS (CCA) Rules that the LTC claim of the applicant was not genuine operates as res/judicata and hence his claim for refund of the amount recovered by the respondents has to be rejected.

6. In the result, the OA is dismissed without any order as to costs.


(A.B. GORTHY)
Member (Admn.)

Dated: 13th December, 1994

(Dictated in Open Court)


DEPUTY REGISTRAR(J)

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COPY TO:

1. The Chief Post Master General, Hyderabad.
2. The Superintendent, Railway Mail Service, Tirupathi Division, Tirupathi.
3. One copy to Mr. K. Anantha Rao, Advocate, H.No. 16-2-705/1/13, New Malakpet, Near Rice Mills, Opp. to Punjab National Bank, Hyderabad - 500 036.
4. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLKR

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(1)

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(2)

DATED: 13.12.94.

ORDER/JUDGMENT:

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

O.A.NO. 700/94. in
T.A.NO.

Admitted and Interim Directions
issued.

Allowed.

Disposed of with Direction.

Dismissed. ✓

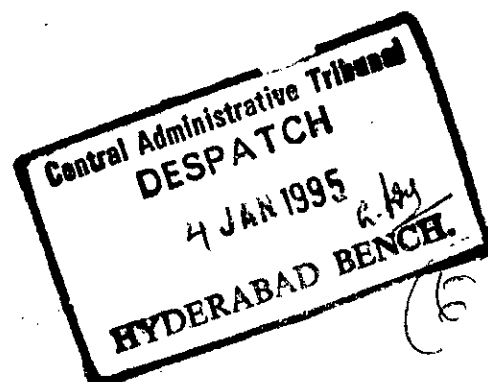
Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.

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