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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1002/96

Date of Order: 4.10.96

BETWEEN:

V.Sundara Babu

.. Applicant.

AND

1. The Joint Controller of Defence, Accounts, PAO (ORS), E.M.E., Secunderabad.
2. The Controller of Defence Accounts, Near Secunderabad Club, Secunderabad.
3. The Controller General of Defence, Accounts, R.K.Puram, New Delhi.
4. Union of India, rep. by its Secretary, to the Dept. of Personnel and Public Grievances, Secretariate, New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr.K.Venkateswara Rao

Counsel for the Respondents

.. Mr.V.Bhimanna

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

JUDGEMENT

Heard Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.Satyanarayana Murthy for Mr.V.Bhimanna, learned standing counsel for the respondents.

2. This OA was admitted on 22.8.96 and four weeks time was given from that date for filing the reply. It came up for final hearing on 23.9.96. Even ^{on} that date adjournment was given as no reply was filed. Even today when the case is

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posted for orders no reply has been filed. It is a very simple case and the respondents should not find it difficult to file a reply within the stipulated time. As the respondents ~~failed~~ to file a reply in time, the OA is disposed of with the available material on record.

3. The applicant was given ^{an} advance of Rs.5,680/- on 11.1.91 towards L.T.C. advance ~~for~~ the block year 1986-89. It was by him intimated that he had proposed journey to Nagapatnam by purchasing tickets with the advance amount and to proceed on his journey on 20.2.91. In the meantime D.O.T. O.M.No. 31011/1/91-Estt (A), dated 23.1.91 suspending the LTC facility was issued temporarily till 31.3.91 due to situation created because of gulf war. The applicant purchased the ticket with the advance granted to him and it is stated that the applicant produced even the tickets purchased by him before the commencement of the journey.

4. The applicant after coming back to the headquarters after availing the LTC, submitted his final claim for adjusting the advance payment made to him. But that claim was rejected and an amount of Rs.6314/- including penal interest on the advanced amount of Rs.5680/- taken earlier was recovered from his salary in the months of September, October and November 1991 as per letter No.AN/75/LTC/PAO(ORS) dated 25.9.91. The applicant thereafter filed representation for paying back the recovered amount as per his representation dated 8.6.95 (A-3). But that representation was turned down by the impugned order No.AN/75/LTC/Corr., dated 9.8.95 (A-1)on the ground that the applicant has commenced his onward journey after the date of receipt of the order dated 23.1.91. Hence the recovery made is in order.

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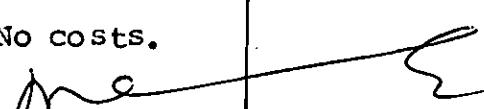
5. This OA is filed for setting aside the impugned order dated 9.8.95 and for a further consequential declaration to return the amount recovered from his salary totalling Rs.6,314/- [REDACTED]

6. The applicant obtained the advance ~~against the LTC facility~~ ~~claim~~ on 11.1.91 earlier to the date of issue of the OA dated 23.1.91. Further it is stated that he has produced the ticket even before undertaking the journey on 20.2.91. If the LTC advance cannot be granted, the applicant should have been told to return the money when he produced the ticket purchased by ^{undertook} him earlier to 20.2.91 when he actually ~~undertook~~ the journey. But no such action has been taken. Further the applicant states in his OA that even during the period when the LTC facility was suspended advance was given to one Sri BVS.Poornachandra Rao Senior Auditor. As no reply is filed, inspite of enough time having been given to the respondents to file a reply, it has to be held that there is no reason to disbelieve the averment made by the applicant in this OA in regard to ^{the payment of LTC advance to} Sri BVS.Poornachandra Rao. In view of the above facts I feel that the recovery of an amount of Rs.6314/- from the salary of the applicant is irregular and it has to be reimbursed to him.

7. In the result, the following direction is given:-

R1 and R2 are directed to return the amount of Rs.6,314/- recovered from the salary of the applicant within a period of three months from the date of receipt of a copy of this order.

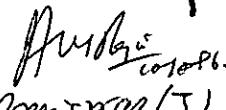
8. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
Member (Admn.)

Dated: 4th October, 1996

(Dictated in Open Court)

sd


D.Y. Deepak Swaraj (J)

Copy to:-

1. The Joint Controller of Defence Accounts, PAO(ORS), E.M.E., Secunderabad.
2. The Controller of Defence Accounts, Near Secunderabad Club, Secunderabad.
3. The Controller General of Defence Accounts, R.K.Puram, New Delhi.
4. The Secretary to the Dept. of Personnel and Public Grievances, Union of India, Secretariat, New Delhi.
5. One copy to Sri. K.Venkateswara Rao, advocate, CAT, Hyd.
6. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

29/10/96 OA 1002/96

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED:

4.11.96

ORDER/JUDGEMENT
R.A / C.D. / M.A. NO.

O.A. NO.

1002/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLR

II COURT

No Spare Copy

