

15-1-2019

Mr. Sameer Jain, Counsel for applicant

Mr. V.S. Gurjar, Counsel for respondents

Heard learned Counsel for the parties.

For the reasons dictated separately,
the OA is disposed of.

(B.L. Khatri)
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 15th day of January, 2009

ORIGINAL APPLICATION NO. 5/2008

CORAM:

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Mr. Ashok Kumar Pokharana, Principal Scientist (Retired), House No. 1, Sector No. 1, Shivanand Marg, Malviya Nagar, Jaipur.

.....APPLICANT

(By Advocate: Mr. Sameer Jain)

VERSUS

1. Union of India through Director General, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi.
2. The Director Sheep & Wool Research Institute (ICAR), Avikanagar, Tehsil Malpura, Tonk.
3. Shri V.K. Singh, Ex-Director, ICAR, 15, Indira Nagar, Tonk Road, Jaipur.
4. Administrative Officer, Central Sheep & Wool Research Institute (ICAR), Avikanagar, Tehsil Malpura, Tonk.
5. Sr. Administrative Officer, Central Sheep & Wool Research Institute (ICAR), Avikanagar, Tehsil Malpura, Tonk.

.....RESPONDENTS

(By Advocate: Mr. V.S. Gurjar)

ORDER (ORAL)

PER HON'BLE MR. B.L. KHATRI

The applicant has filed this OA against the order dated 04.08.2007 (Annexure A/1) and order dated 04.08.2007 (Annexure A/2) whereby an amount of Rs.25087/- had been disallowed as LTC pertaining to his visit to Lakshadweep w.e.f. 31.01.2006 to 11.03.2006. By way of filing of this OA, the applicant has claimed the following reliefs:-

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- "(i) to quash and set aside the impugned orders dated 04.08.2007 (Annexure A/1) and 13.07.2006 (Annexure A/2) and direct the respondents to release a sum of Rs.25087/-.
- (ii) to provide the penal interest as per norms on a sum of Rs.44852/-, Rs.32205/- and Rs.5000/- paid after over a year even after sanction towards Group Insurance, TA on retirement and part of Gratuity.
- (iii) to allow TA/DA on the five trips from Jaipur to Avikanagar as specified above done solely for the purpose of settlement of bill.
- (iv) to award costs and damages in favour of the applicant and
- (v) to pass such other order or orders as may be deemed fit and proper in the interests of justice."

2. Brief facts of the case as stated by the applicant are that the applicant is a retired Govt. Employee erstwhile working as Principal Scientist with the ICAR at Avikanagar, Malpur. The respondents no. 5 vide order dated 17.01.2006 (Annexure A/3) granted LTC advance of Rs.89000/- to the applicant for his visit to Agatl (Lakshadweep) for the applicant and his wife after due verification. While returning from the journey, the applicant fell ill for which he informed the respondents alongwith medical certificate. The leave was sanctioned to the applicant and immediately upon return on 13.03.2006 (Annexure A/4), he submitted LTC bill to the respondents but the same was not passed. Vide order dated 13.07.2006 (Annexure A/2), the respondents rejected the LTC claim in respect of the applicant on the ground that he was on commuted leave during the period of LTC. However, claim of LTC payment of his wife was allowed.

3. The applicant pursued the matter by E-mail/letters/telephone and also by personal trips. Finally a meeting was held with the respondent officials except respondent no. 3 on 04.08.2007, wherein the respondents put a condition that if the applicant foregoes his self LTC claim, the LTC of his wife will be allowed. The applicant was in urgent need of money and had suffered harassment and humiliation

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and due to his ill health it was not possible for him to again and again go to Avikanagar. Therefore, he wrote an application 5 under dictated terms for passage of LTC claim of his wife only.

4. The respondents have filed their reply thereby denying the LTC claim of the applicant without any specific reason and rule. However, in the order dated 13.07.2006 (Annexure A/2), it was stated that claim of the applicant was disallowed as he was on commuted leave.

5. Learned counsel for the respondents has invited my attention specifically to Annexure R/1, which is a medical certificate of the Doctor for two days w.e.f. 24.0.2006 to 25.02.2006. Learned counsel for the respondents has also invited my attention to Annexure R/4 wherein it has been discussed in detailed that false medical certificate has been submitted by the applicant.

6. I have heard the learned counsel for the parties. I find that the applicant along with his wife had proceeded to Lakshadweep for LTC after sanction of LTC advance of Rs.89000/-. There is no rule under which the claim of LTC in respect of an employee can be disallowed, if he falls ill during the period of LTC and applied for commuted leave during the journey period. The respondents have allowed the above claim of LTC in respect his wife. However, they have refused the claim in respect of the applicant. Genuineness of LTC claim had not been doubted anywhere. The only reason is that applicant had submitted false medical certificate. Filing of false medical certificate is a separate issue for which separate disciplinary proceedings can be initiated.. This cannot be a reason for disallowing the claim of LTC of the applicant.

7. The respondents have also taken plea that the applicant himself requested to disallow his LTC claim for himself because he obtained false medical certificate from Dr. A.K. Mishra. It appears that such

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consent was obtained under duress in order to entertain partial claim of the applicant. However, this fact has not been mentioned in Annexure A/1 and Annexure A/2. The only ground on which LTC claim of the applicant was disallowed as per the orders of the respondents was that he was on commuted leave. Under such circumstances respondents are directed to pass LTC claim of the applicant as per the rules and make payment within a period of two months from the date of receipt of a copy of this order.

8. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)

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