

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 20.5.2016

OA No.291/00345/2016

Mr. C.B.Sharma, Counsel for the applicant.

Matter pertains to recovery on account of LTC claim in C.A.T., Jaipur Bench, Jaipur.

Heard.

Counsel for applicant submitted that the applicant was appointed vide Ann.A/4 dated 22.7.2010 to the post of Peon on purely adhoc basis and thereafter his services were regularized w.e.f. 1.4.2011 vide Ann.A/5 dated 10.3.2011 and further the applicant was confirmed vide order dated 28.5.2014 Ann.A/7 w.e.f. 1.4.2013. Counsel for applicant further submitted that applicant availed the LTC for which he was sanctioned the leave encashment and LTC advance of Rs.5602/- and Rs.31060/- respectively vide Ann.A/10. However, though the applicant was entitled to LTC as per DOPT FAQ circular dated 26.9.2014 Ann.A/8, but vide Ann.A/2 dated 5.5.2016 he was directed to deposit the advance of Rs.40364/- immediately. He made a request for 15 days time to give his explanation as per Ann.A/11, but in view of the Audit Objections raised, he was asked to deposit the said amount by 16.5.2016 vide Ann.A/1 dated 11.5.2016, else the same would be recovered from the salary for the month of May, 2016 onward. Counsel for applicant thus prays for stay on effect and operation of recovery in pursuance of Ann.A/1 and Ann.A/2 in view of the fact that the applicant is entitled to this LTC as per the instructions referred above at Ann.A/8.

Considered the aforesaid contentions and perused the record. On enquiry raised by this Tribunal, the counsel

for applicant submitted though 15 days time was not given as prayed for vide Ann.A/4 but after issue of orders dated 11.5.2016 Ann.A/1, he has not made any representation.

In view of the above position and after perusal of record, it is deemed appropriate that at this stage that the ends of justice would be met if the applicant makes a representation before the respondent No.2 to reconsider the matter. It is, therefore, proposed to dispose of this OA at the admission stage itself, without going into the merits of the case, lest it prejudice the case of either side, with certain directions. Accordingly it is directed that :

(i) The applicant may file a representation regarding Ann.A/1 and Ann.A/2 giving relevant details before the respondent No.2 along with a copy of the paper book of the OA within 10 days from the date of receipt of the copy of this order.

(ii) The respondent No.2 shall consider and decide the same in accordance with law at the earliest and preferably within two months from the date of receipt of the representation, if any, filed by the applicant, as mentioned above. The respondent No.2 may also refer the matter to respondent No.3, if it is so required.

(iii) Till the disposal of the representation, recovery as proposed vide Memo dated 11.5.2016 (Ann.A/1) may not be affected.

In view of the limited relief being granted in this OA, the requirement of issue of notices to respondents is dispensed with.

The OA is disposed of as above at the admission stage with no order as to costs.



(MS.MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER