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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No 215/2000

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SECTION OFFICER (Judl.)

Kalita
19.12.17

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 215/2000 OF 199

Applicant(s) Sri Naba Kumar Deka.

Respondent(s) Union of India and others.

Advocate for Applicant(s) Mr. B.R. Sarma.

Mr. S. Sarma

Advocate for Respondent(s)

C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>The application is in form and within time. F. of Rs. 50/- Deposited vide IPO RD No. 492/343 Dated 14.6.2000</p> <p>By <i>[Signature]</i> 14/6/2000</p> <p>Nab's Registrar not Adm. in mention case.</p> <p>By <i>[Signature]</i> 14/6/2000</p> <p>By <i>[Signature]</i> 14/6/2000</p> <p>By <i>[Signature]</i> 14/6/2000</p>	14.6.00	<p>Present : Hon'ble Sri D.C.Verma, Member(J).</p> <p>Mr. S. Sarma, learned counsel for the applicant and Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.</p> <p>Respondents to show cause as to why the the application shall not be admitted. Respondents also to show cause as to why the prayer for interim relief shall not be granted. Returnable on 3.7.2000.</p> <p>List on 3.7.2000 for reply and for consideration of admission.</p>

Member(J)

Notes of the Registry

Date

Order of the Tribunal

22/6/00 Requisites not filed till today. *h*

3.7.00

Present : Hon'ble Sri S.Biswas, Member(A).

29/6/00
R/ ~~not~~ filed today.
Notice prepared for
27/6/00 being the respondents
No 1 to 5 vide and sent to
D/section for issuing the
respondents vide No 1737 to
1741 dtd 29/6/00.

Learned counsel Mr. U.K.Nair for the applicant and Learned Addl.C.G.S.C. Mr. B.S. Basumatary for the respondents.

Mr. Basumatary mentions that his name is not shown in the cause list though he has filed power.

Heard rival sides. Written Statement has not been submitted despite time given in this behalf. The counsel for the applicant has clarified that the issue of multiple relief is not sustainable as various denials indicated in the relief clause are actually related with LTC claim as is presumed all these denials are rebuff to the LTC claim, suspected to be incorrect. The learned counsel for the respondents further submits that the deduction initiated does not refer to LTC claim.

All the more reason no deduction ought to have been initiated from the applicant without specifying the reasons for deduction and giving an opportunity to the applicant to clarify. No deduction should be made from the pay of the applicant till next date of hearing.

List on 8.8.2000 for consideration of admission.

S. Biswas
Member(A)

trd

NS
4/7/2000

8.8.00 There is no Bench Adm'd
1 - 31-8-00

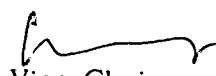
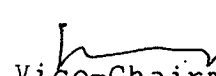



31.8.00 No Bench Adm'd
27-8-00
270

3/7/00

Order dtd. 3/7/00
Communicated to respondents
No 1 to 5 and both the Advocates
vide Memo 1784
3/7/00 dtd 5/7/00

13/7/00

Notice duly served on respondents
No 40808 3, 4 & 5.

Notes of the Registry	Date	Order of the Tribunal
No. written statement has been filed. <u>By</u> 6.2.01	10.1.2001 nkm	<p>3</p> <p>Heard Mr S. Sarma, learned counsel for the applicant. The application is admitted. List the matter on 31.1.01 for written statement and orders.</p> <p>The interim order shall continue.</p> <p> Vice-Chairman</p>
	31-1.	<p>No S.B. Adjourned to 2.2.2001.</p> <p><u>M/s</u> <u>Ab-jey</u> 31.1.</p>
	7.2.01	<p>List it on 14.3.2001 to enable the respondents to file written statement.</p> <p> Vice-Chairman</p>
<u>13.3.01</u>	trd.	
No N/S has been filed so far. by	14.3.01	<p>On the prayer of learned counsel for the respondents 4 weeks time is granted for filing of written statement. List on 25.4.01 for orders.</p> <p> Member</p>
No N/S has been filed. <u>NB</u> 24/4/2001	lm	
	25.4.2001	<p>Three weeks time allowed to the respondents to file written statement. List it for orders on 16.5.01.</p> <p> Vice-Chairman</p>
<u>21/5/2001</u>	nkm	
N/S has been filed by Sr. Case on behalf of the Respondents. <u>NB</u> 21/5/2001	16.5.01	<p>List on 20.6.2001 to enable the respondents to file written statement.</p> <p> Vice-Chairman</p>
Written statement has been filed. <u>By</u> 19.6.01	lm	

Notes of the Registry	Date	Order of the Tribunal
<p>4</p> <p>No written statement has been filed.</p> <p><u>34</u> 1.10.2000</p> <p>15.11.2000</p> <p>⑤ Notice duly served on R.No- 3, 4 and 5, Respondant No-1 & 2 are still awaited.</p> <p><u>34</u> 15.11.00</p> <p>No. w/s has been filed.</p> <p><u>34</u> 9.1.2001</p>	<p>27.9.00</p> <p>trd 27/9/2000 1.11.00</p> <p>2.11.00</p> <p>pg</p> <p>16.11.00</p> <p>trd 16.11.00</p>	<p>Present : Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.</p> <p>Heard Mr. S.Sarma, learned counsel for the applicant and Mr. B.S.Basumatary, learned Addl. C.G.S.C. for the respondents.</p> <p>Mr. Basumatary, learned Addl. C.G.S.C prays for three weeks time to file written statement. Prayer allowd. Put up for further on 1.11.2000. In the meantime the interim order dated 3.7.2000 shall continue.</p> <p><u>1</u> Vice-Chairman</p> <p>No. Representation, List again on 2.11.00. By order.</p> <p>Two weeks further time is allowed to the respondents to file written statement on the prayer of Mr B.S.Basu- matary, learned Addl.C.G.S.C.</p> <p>List on 16.11.2000 for order.</p> <p><u>1</u> Vice-Chairman</p> <p>Four weeks further time is allowed to file written statement on the prayer of Mr. B.S. Basumatary, learned Addl. C.G.S.C.</p> <p>List on 18.12.2000 for written statement and further orders.</p> <p><u>1</u> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>Written statement has been filed</p> <p><u>20</u> 24.7.01</p>	20.6.01	<p>Mr.S.Sarma learned counsel appearing on behalf of the applicant informs that though the written statement has been filed, copy of the same has not been served on him. The respondents are directed to serve the written statement by to-morrow. List on 25.7.01 for orders.</p> <p><u>11</u> <u>U Shary</u> Member</p> <p>lm</p>
<p>No. Rejoinder has been filed.</p> <p><u>20</u> 21.8.01</p>	25.7.01	<p>Written statement has been filed. The applicant may file rejoinder, if any within two weeks from today. List on 22.8.2001 for hearing.</p> <p><u>11</u> <u>U Shary</u> Vice-Chairman</p> <p>pg</p>
<p><u>13. 9. 2001</u></p> <p>Additional wfs submitted by the respondents.</p>	22.8.01	<p>Written statement has been filed. List the matter for hearing on 26.9.2001. In the meantime the applicant may file rejoinder if any.</p> <p><u>11</u> <u>U Shary</u> Member</p> <p>trd</p>
<p><u>16.10.2001</u></p> <p>Copy of the Judgment has been sent to the Office for issuing the same to the Applicant as well as to the Addl. & S.P.C for the Respds.</p> <p>HS</p>	26.9.01	<p>Heard counsel for the parties. Hear-concluded, judgment delivered in open Court kept in separate sheets.</p> <p>The application is disposed of in terms of the order. No order as to costs.</p> <p><u>11</u> <u>U Shary</u> Vice-Chairman</p> <p>bb</p>

Notes of the Registry	Date	Order of the Tribunal

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 215 of 2000.

Date of Decision. 26.9.2001...

----- Shri Naba Kumar Deka ----- Petitioner(S)

----- Mr. B.K. Sharma, Mr. S. Sarma,
Mr. U.K. Nair & Mr. U.K. Goswami. ----- Advocate for the
Petitioner(s)

Versus-

----- Union of India & Others. ----- Respondent(s)

----- Mr. B.C. Pathak, Addl. C.G.S.C ----- Advocate for the
Respondent(s)

THE HON'BLE MR. JUSTICE D.N. CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Vice-Chairman.

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 215 of 2000.

Date of Order : This is the 26th Day of September, 2001.

HON'BLE MR. JUSTICE D. N. CHOWDHURY, VICE CHAIRMAN.

Shri Naba Kumar Deka
S/O Shri Tapeswar Deka
Presently working as Telegraphist
Telegraph Office, Mangaldoi. . . . Applicant.

By Advocate Mr.B.K.Sharma, Mr.S.Sarma,
Mr.U.K.Nair & Mr.U.K.Goswami.

- Vs -

1. The Union of India
Represented by the Secretary to the
Government of India,
Ministry of Communication
New Delhi.
2. The Chief General Manager
Assam Telecom Circle
Ulubari.
3. The Telecom District Manager
Tezpur Telecom District
Tezpur - 784001.
4. The Sub-Divisional Engineer
(Telegraphic) Tezpur
Telegraphic Sub-Division
Tezpur.
5. The Telegraph Master, In-Charge
Telegraph Office
Mangaldoi. . . . Respondents.

By Mr.B.C.Pathak, Addl. C.G.S.C.

O R D E R

CHOWDHURY J.(V.C) :

The prime issue raised in this application pertains to settling the L.T.C. claim submitted by the applicant for a journey that the applicant undertaken for the block year 1994-1997.

2. From the materials on records, it transpires that the applicant availed L.T.C. concession for the aforesaid period and took an advance of Rs.31,000/-. The return journey was completed on 19.6.95 as per the applicant submitted his claim for reimbursement incurred

in the travel on 18.8.95, His L.T.C. claim is not yet been^{paid}/. In the written statement the respondents stated that the L.T.C to the extent of Rs.31,000/- was paid to the applicant for the block year 1994-97. The bill for that advance was submitted by the applicant after expiry of the prescribed period. The applicant also earlier took L.T.C. advance of Rs.17,870/- for the block year 1990-93. In the first case he completed his journey on 22.4.93, but submitted his bill on 28.5.93. In the second case, he completed his journey on 19.6.95, but submitted the bill on 18.8.95. In both the occasions, the applicant failed to maintain the time limit as prescribed in CCS Leave Travel concession Rules and is treated as time barred. A decision was taken to recover the whole amount of L.T.C advance paid to him as per rules.

3. Granting of Leave Travel Concessions are regulated by statutory rules including granting of L.T.C advance. Under the scheme of the rule a claim for reimbursement of expenditure incurred on journey under leave travel concession are to be submitted within three months after the completion of the return journey, if no advance are drawn. Where an advance is drawn by the Government servant, the claim for reimbursement of the expenditure incurred on the journey is to be submitted within one month after the completion of the return journey. On a Government servant's failure to do so, he has to refund the entire amount of advance forthwith in one lumpsum. the respondents relied upon the rule 14 more particularly, rule 15. Rules contemplate that on completion of the return journey, the Government servant is required to claim the reimbursement as expeditiously as possible. A time limit is fixed, but it does not meant that the time

limit cannot be relaxed. The L.T.C. rule itself provides for relaxation to the extent that the requirements of that rule may be relaxed to such extent and, subject to such exception and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

4. I have heard Mr.S.Sarma, learned counsel for the applicant and Mr.B.C.Pathak, learned Addl.C.G.S.C for the respondents.

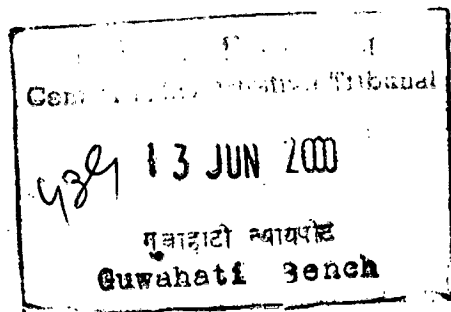
5. Upon hearing the learned counsel for the parties I feel the matter requires early disposal, so far as the claim of the applicant for the L.T.C. is concerned. The respondents instead of confining to the technicality, ought to have decided the matter on merit. The applicant has submitted his reply. The respondents are directed to consider the matter and pass an appropriate order for reimbursement subject to the admissibility as per rules. In this circumstance, the respondents are ordered to dispose the L.T.C. matter as expeditiously as possible preferably within one month from the receipt of this order.

6. With this, the application stands allowed to the extent indicated above.

7. As regards, the other relief sought for by the applicant, the applicant is directed to submit a detailed representation narrating his grievances before the authority. If such representation is made, the authority shall consider the same.

Subject to the observations made above, the application is disposed of. There shall, however, be no order as to costs.


(D.N.CHOWDHURY)
VICE CHAIRMAN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

OA No. 215/2000

BETWEEN

Shri Naba Kumar deka.

... Applicants

- versus -

Union of India & Ors.

... Respondents

I N D E X

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Filed by :

M. J. Grewar

Advocate

Filed by:
the Applicant
through
W. G. G. G.
Advocate
12/6/2000

THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH
GUWAHATI

O.A. No. 215 of 2000

BETWEEN

Shri Naba Kumar Deka,
S/o Shri Tapeswar deka, presently
working as Telegraphist, telegraph
Office, Mangaldoi.

... Applicant

AND

1. The Union of India,
represented by the Secretary to the
Government of India, Ministry of
Communication, New Delhi.
2. The Chief General Manager,
Assam Telecom Circle, Ulubari.
3. The Telecom District Manager,
Tezpur Telecom District, Tezpur-
784001
4. The Sub-Divisional Engineer (Tele-
Traffic) Tezpur, Telegraphic Sub-
Division, Tezpur.
5. The Telegraph Master, in-charge,
Telegraph Office, Mangaldoi.

... Respondents

H. Deka

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

This application is not directed against any particular order but has been directed against the arbitrary and illegal actions on the part of the Respondents in not settling the L.T.C. claim submitted by the Applicant way back in the year 1995 and in withholding financial benefits, like annual increments, increments due upon completion of the prescribed training, and in allowing a junior person to hold charge of Telegraph Master, as a measure of penalty without any departmental proceedings.

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The Applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant is a citizen of India and a permanent resident of Assam and is presently serving as Telegraphist in the Department of Telecommunications and stationed at Mangaldoi and as such he is entitled to all the rights and privileges as guaranteed under

M. Deka

the Constitution of India.

4.2 That the Applicant on being selected was appointed as Telegraphist in the year 1966 and he joined his service in the same capacity on 25.2.66. On opening of the telegraph Office at Mangaldoi, the Applicant was transferred to Mangaldoi and he joined his services on 28.11.90 and is continuing as such till date. In course of his service the Applicant was sent for various training course like, Hindi Teleprinter training programme, Refresher course in Morse and Electronic Teleprinter, Computer training etc. and the Applicant completed the said training courses successfully. In the month of February, 1999 the Applicant was selected and deputed by the Respondent No. 3 to undergo the SR/TOA(T) induction training course at C.T.T.C., Bharalumukh, the Applicant successfully completed the said training and is qualified to be appointed as SR/TOA(T).

4.3 That the Applicant has by way of this application raised a grievance against the impugned action on the part of the Respondents in withholding various financial benefits and due promotions as a measure of penalty without any notice or conducting any departmental proceeding. The Applicant had availed L.T.C. for the block year 1994-97 and on submission of the original Railway Tickets he was granted L.T.C. advance of Rs. 31,000/-. The Applicant on completing the journey undertaken by him, submitted his final claim, in the prescribed format and prayed for release

NK Deha

of the balance amount. The Respondents have kept the final bill of the Applicant pending till date and it is reliably learnt by the Applicant that the genuineness of the bill submitted by the Applicant was enquired into and nothing adverse was found against it. The Respondents have now projected a scenario that the genuineness of the said bills are being doubted and as such recovery of the advance given to the Applicant is to be made, but formal communication of the same is yet to be made to the Applicant. Basing on the said plea, the Respondents have stopped the annual increments of the Applicant and the service book of the Applicant is not being updated for the last 3/4 years. The Respondents have also denied to the Applicant the advance increment due to the him and the promotion as SR(TOA/T) due to him pursuant to the Applicant successfully completing the SR(TOA/T) induction course in Feb '99. The seniority of the Applicant has been undermined and a junior has been allowed to hold the charge of Telegraph Master of Mangaldoi Telegraph Office. As a last nail in the coffin, the Respondents have proceeded to deduct a sum of Rs. 3000/- from the salary of the Applicant from April '99 without issuance of any order to this effect. On enquiry the Applicant was verbally informed over phone, that the said amount has been deducted as recovery of the amount sanctioned to the Applicant way back in the year 1995 as LTC advance. Further the Applicant has also learnt that penal interest would also be charged for the said amount and there will be further recovery from his monthly salary. Infact same amount as for the month of

NK Deka

April '2000 has been shown deducted from the monthly salary, making a protest against which the Applicant has not received his salaries. It is under these extraordinary circumstances that the Applicant has come under the protective hands of your Lordships praying for redressal of his grievances.

4.4. That the Applicant in the year 1995 proposed to avail the the Leave Travel Concession (LTC) for the block year 1994-97 and on being sanctioned leave the Applicant procured the Railway tickets for the to and fro journey from Gauhati to Trivandrum. He submitted the Tickets along with a prayer for advance, the Respondent No. 5 vide his letter dated 25.5.95 forwarded the application of the Applicant to the Respondent no. 3 along with a check list of the Railway tickets. The railway tickets were stamped "LTC purpose, not for cancellation". On being prima facie satisfied the Superintendent Telegraph Traffic, tezpur Division, Tezpur vide his letter bearing NO. TD/A-5/LTC/adv/DTO-ML/95-96 dated 29.5.95 accorded sanction for payment of a sum of Rs, 31,000/- to the Applicant as LTC advance.

The copies of the forwarding dated 25.5.95, Railway Tickets and the letter dated 29.5.95 are annexed hereto as Annexure-1, 2 and 3 respectively .

4.5 That pursuant to receiving the advance sanctioned by Respondent 3 letter, the Applicant along with his

N k Deha

Express on 4.6.95 and after sight seeing returned to Gauhati on 15.6.95. On returning after availing leave on LTC, the Applicant submitted the final bill. The Respondent No. 5 vide his letter bearing No. A/12/LTC/Bill/95-9 dated 28.8.95 forwarded the same to the Supdt. telegraph Traffic for necessary approval. In the forwarding it was, interalia, stated that the original bills were produced by the Applicant at the time of taking LTC advance. Be it stated here that the Applicant had produced the railway tickets for both to and from journey at the time of taking LTC advance and the same upon scrutiny was sealed as "LTC purpose, not for cancellation".

Copy of the forwarding dated 28.8.95 is annexed hereto as Annexure-4.

4.6 That inspite of repeated requests made by the Applicant, his LTC claim reminded unsettled subsequently, a query was put to the Applicant as to why he uses the title "Hazarika" whereas his titles is "Deka". The Applicant clarified the same by producing the school leaving certificates of his sons. Be it be mentioned here that after satisfactorily clarifying the queries raised by the Respondents as regards the LTC claim of the Applicant, he was under the legitimate expectation that his long pending claim would finally be settled.

4.7 That Your Applicant states that he has reliable learnt that than S.D.E(TT) had in the year 1995 and 1996 made all possible attempts to default the LTC

N K Deka

claim of the Applicant by creating a suspicion as regards the genuinity of the claim and had drawn the attention of the different superior authorities, but from the enquiry conducted nothing adverse could be found against the Applicant. The suspicion created in the year 1995 with the intention to reject the claim of the Applicant, although later proved to be misplaced, prevails in the department and for this the bills are still lying unsettled.

4.8 That in the month of September, 1999 the Applicant to his utter shock and surprise, reliably learnt that the Respondent No. 4 vide his memo under No. A-12/LTC/NKD/99-2000 dated 7.9.99 under strict confidentiality instructed the Respondent No. 5 to deduct the entire amount drawn by the Applicant as LTC advance in the year 1995 along with penal interest from the salary of the Applicant. Being aggrieved by the direction for deduction to be made from his salaries, the Applicant vide his representation dated 14.9.99 made before the Respondent No. 4, interalia, highlighted the deprivations being meted out to him and prayed that the order issued be reviewed and justice be meted out to him. Be it be mentioned here that no copy of the said order dated 7.9.99 was furnished to the Applicant and no any department proceeding was initiated against him prior to passing of the order dated 7.9.99 and not even a notice was issued to the Applicant.

The Applicant is not possession of the copy of the said order dated 7.9.99 and accordingly craves the

Nk Dehra

- 8 -

indulgence of Your Lordships for a direction to the Respondents to produce the same at the time of hearing of this application.

However, a copy of the representation dated 14.9.99 is annexed hereto as Annexure-5.

4.9 That the case of the Applicant was also taken up with the Respondents by the All India telegraph Traffic Employees Union, Class III, Tezpur Branch, of which the Applicant is a member, vide their letter bearing No. T-III/Dist/99-2000, dated 3.11.99. In the said letter it was inter alia, stated that due to fault of the concerned officers there has been considerable delay in settlement of the LTC claim of the Applicant and there has been clear violation of the departmental rules and proceedings by the concerned officers in this connection and ultimately referring to the order dated 1.9.99 it was stated that a hurried and unjustified conclusion as regards the matter has been drawn. It was also highlighted therein that the Applicant on the plea of unsettled LTC bills, has been deprived of various promotional benefits. Further, offering the services of the union it was prayed that the whole matter be investigated and responsibility be fixed in a justified manner.

Copy of the letter dated 3.11.99 is annexed hereto as Annexure-6.

4.10 That pursuant to the Annexure-5 representation of the Applicant and the Annexure-6 letter by the said

NK Deha

Union, the direction to deduct the LTC advance drawn by the Applicant was not given effect to. But to the utter surprise and shock of the Applicant, in the pay slip for the month of April'2000, a sum of Rs. 3000/- was deducted as "Over-Pay". Being aggrieved by the deduction made, the Applicant vide his representation dated 2.5.2000 made before the Respondent No. 3, interalia, stated that without any prior intimation and without assigning any reason to him a sum of Rs. 3000/- was deducted as overpay. It was also emphasized that to the best of his knowledge he had never drawn any over pay and prayed that the amount deducted be refunded.

Copies of the pay slip for the month of April, 2000 and the representation dated 2.5.2000 are annexed hereto as Annexure- 7 and 8 respectively.

4.11 That your Applicant states that on enquiry in the office, he was given to understand that the above deduction made in his salaries with effect from April'2000 is towards the recovery of the said LTC advance ailing with penal interest with effect from 1995. Be it stated here that no any formal orders were issued intimating him about the deduction to be made, leaving aside the fact of there being no initiation of pay departmental proceeding before imposition of the said penalty and not even a notice to him.

4.12 That the Respondents on the plea of unsettled LTC bills, have proceed to deprive the Applicant from the financial benefits and promotions due to him in course of time, the deprivations meted out to the Applicant on

MKA Delea

the abovenoted plea are enumerated below :

(i) That the annual increments due to the Applicant are not being released regularly there by leading to abnormality in his pay fixation. The Applicant repeatedly approached the authorities for redressal of his grievances, but to no avail. Basing on the plea of non finalisation of the LTC bills of the Applicant the Respondents have adopted a advance approach not to remove the irregularity/illegality in the pay fixation made in respect of the Applicant, for the reason of which inspite of his seniority being maintained he is drawing pay at a lower stage than the juniors.

The copy of the representation dated 31.12.97 preferred by the Applicant praying for removal of the illegality committed as regards the pay fixation made in his case is annexed hereto as Annexure-9.

(ii) That the service book of the Applicant has not been updated for the last 3/4 years and the same has been kept with the Respondent No. 3, for reasons best unknown to him. The Applicant on enquiry was given to understand that the same was called for in connection with the settlement of his pending LTC bills, but the Applicant fears that his service book is not being updated only with the oblique intention of causing hardships to him at the time of his retirement which is fast approaching. Be it stated here that on being approached by the Applicant the

N K Deeka

Respondent No. 5 has given him to understand that the correspondence made by him for relief of the service book of the Applicant has failed to evoke any response.

(iii) That the Applicant was in the month of February '99 selected and deputed for undergoing the SR(TOA/T) induction training course at Gauhati, and the same was successfully completed by the Applicant. In spite of successful completion of the said training course the Applicant has not been designated as SR(TOA/T) nor has the advance increment of Rs. 500/- due on successful completion of the said training added to his pay. Thereby the Applicant for no fault of his has been deprived of his legitimate dues and the reason assigned for the same by the Respondents is the pendency of the LTC claim. Be it stated here that the fellow employees who had undergone the said training course along with the Applicant and who had successfully completed the same have been given the benefits of redesignation of the post held by them and of the advance increment.

(iv) That adding insult to the injury, the authorities have allowed a person admittedly junior to the Applicant to hold the post of "Telegraph Master" of Mangaldoi Telegraph Office, over the Applicant. The reason for such suspension has been stated to be the non-finalisation of the LTC claim of the Applicant.

N K Delka

- 12 -

The above noted deprivations meted out to the Applicant has been done as measure of penalty but without holding any departmental enquiry prior to depriving the Applicant of his legitimate dues and/or without issuance of any notice.

4.13. That the Respondents have deemed it fit and proper to sit over the representation filed by the Applicant and have been imposing one penalties one after another by way of depriving the Applicant of his legitimate dues. Even if it is taken that the deprivation meted out to the Applicant is due to imposition of penalties on him, the same being done without the procedure established by law, has no legs to stand and the Applicant must be compensated.

4.14 That the LTC claims were submitted by the Applicant way back in 1995, the Respondents are yet to reject the same and if any suspicion existed as regards the genuineness of the said claim it was always open to them to conduct an enquiry to establish the correct position. But the impugned action on the part of the authorities in not settling the same claim on the alleged ground of suspicious of its genuineness and proceeding to impose penalties in form of deprivation to the Applicant one after another, cannot be done inasmuch, as the same has no any scansion of law.

4.15 That the action on the part of the Respondents in proceeding to deduct a sum of Rs. 3000/- from the salary of the Applicant with effect from April as over pay is without any authority and/or sanction of law.

MK Delea

The said deduction has been made behind the back of the Applicant, keeping him in total darkness as to the reasons for such deductions. No order were issued to the Applicant citing the reasons for such deductions nor was any opportunity given to the Applicant to submit his case against such deductions. As such the impugned action being one wherein the procedure established by law not been followed and there being no scansion of law, it is a fit case wherein your Lordships would be please to pass an interim order as has been prayed for, failing which the Applicant would be hard pressed to meet even the basic minimum needs of his family members. Be it be mentioned here that the Applicant is yet to draw his salaries for the month of May '2000.

4.16 That in view of the facts and circumstances narrated in the forgoing paragraphs it is a fit case wherein your Lordships would be pleased to direct the Respondents to settle the LTC claim of the Applicant and to fix his pay after giving/calculating his due increments, which were being withheld on the plea of non-finalisation of the LTC claim and to direct the Respondents to promote the Applicant as SR(TOA/T) alongwith the financial benefits due to him pursuant to successful completion the SR(TOA/T) induction training course by him. Further be pleased to direct the case of the Applicant be considered for the post of Telegraph Master, Mangaldoi Telegraph Office.

4.17 That the representation made by the Applicant and

N K Deba

by the District Secretary AIITA Union class -III on his behalf having failed to evoke any response the Applicant was no any other efficacious alternative remedy and the remedy sought for, if granted would be just proper and adequate.

4.18 That your Applicant submits that his family consists of 9 members including himself and they are all dependent on the income of the Applicant as he is the only earning member in the family. The action on the part of the Respondents in proceeding to make deductions from the salaries of the Applicant with effect from April 2000 without any notice has made it impossible for the Applicant to meet even the basic minimum needs of his family. In the event the illegality is allowed to continue, it would become impossible for the Applicant to maintain his family leaving aside the question of providing for the education of his children.

4.19 That the Respondents acted with undue haste in proceeding to withhold the financial benefits accruing to the Applicant and in making deductions from his salary and the same clearly exposes the malafide existing in the minds of the Respondent against the Applicant. The Applicant still has about 4 to 5 years of service left and the amount, if any, is to be recovered from him could have easily been done after following the due process established by law. Even assuming that the Respondents are entitled to make the deductions from the salary of the Applicant, then also the promotion of the amount deducted being higher than

N K Deeka

the take home salary, the same could never have been proceeded with without affording the Applicant an opportunity to show cause.

4.20 That this application has been made bonafide for securing the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the inaction on the part of respondents in not settling the LTC claim of the Applicant, for such a long time, cannot be a ground for imposing deprivations on the Applicant that too without issuance of any order intimating the Applicant about impositions of the penalties on him and/or without giving him an opportunity to show cause.

5.2 For that there is clear violation of the prescribed procedure for settlement of the LTC claims by the Respondents, there being no suspicion as regards the genuineness of the claim, the same must have been necessarily settled way back in the year 1995.

5.3 For that no departmental proceeding having been drawn up against the Applicant, no penalty could have been imposed on him in form of deprivations, that too without affording him an opportunity to show cause.

5.4 For that it is not disputed that the LTC claim of the Applicant is yet to be rejected and as such on ground of pendency of the claim, the Applicant cannot be imposed with deprivations one after another in

N K Deleka

colourable exercise of power by the Respondents.

5.5 For that the recovery being made from the salaries of the Applicant with effect from April 2000 without issuance of any formal orders to this effect giving the Applicant an opportunity to show cause, has caused great miscarriage of justice and the same is liable to be set aside and quashed.

5.6 For that the impugned action on the part of the Respondents being without any scansion of law is perse illegal, arbitrary and smacks malafide on the face of it.

5.7 For that the haste being shown by the Respondents in proceeding to recover the alleged dues from the salaries without following the due procedure established by law clearly exposes the malafide existing in the minds of the Respondents against the Applicant.

5.8 For that there has been clear violation of Article 14 and 16 of the Constitution of India in addition to the principles of natural justice & administrative fair play:

5.9 For that in any view of the matter the impugned action is liable to be set aside and quashed.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both factual as well as legal at the time of hearing of the case.

Mk Datta

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant declares that he has no other alternative and efficacious remedy except by way of filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the Applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To direct the Respondents to settle the LTC claim of the Applicant pending since 1995 and to pay to the Applicant the balance amount along with interest and to set aside and quash the impugned action towards imposing penalty by way of deduction being made even the monthly salary of the Applicant with effect from April 2000.

LTC

N K Datta

8.2 To direct the Respondents to fix the pay of the Applicant after taking into account the annual increments denied to him on the plea of pendency of the said LTC claim and pursuant to such fixation to pay to him the arrears due thereof.

YES
1.7.20k

8.3 To direct the Respondents to designate the Applicant as SR(TOA/T) and to grant him the financial benefits due to him pursuant to his successful completion of the SR(TOA/T) induction training course and to pay to him the arrears due after taking into account the said advance increments from the date the Applicant was due for appointment as SR(TOA/T).

YES

8.4 To direct the Respondents to update the service book of the Applicant.

YES

8.5 To direct the Respondents to allow the Applicant to hold the post of Telegraph Master, Mangaldoi Telegraph Office which was denied to him on the plea of pendency of his LTC claim.

8.6 Compensation for the mental agony undergone by the Applicant due to the illegal and unauthorised deprivations meted out to him by the Respondents.

8.7 Cost of the application.

8.8 Any other relief/reliefs to which the Applicant is entitled to.

9. INTERIM ORDER PRAYED FOR :

Under the facts and circumstances of the case, the Applicant prays for an interim order by way of a

N K Deuka

direction to the Respondents not to make any deduction from the monthly salary of the Applicant as has been affected by the impugned action from April'2000 and/or be pleased to pass such further order/orders as Your Lordships may deem fit and proper.

10.

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

- i) I.P.O. No. : 09 497343
- ii) Date : 6/6/2000
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

N K Deka

V E R I F I C A T I O N

I, Shri Naba Kumar Deka, aged about 55 years, son of Shri Tapeswar Deka, presently working as Telegraphist, telegraph Office, Mangaldoi, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 3, 4.1 to 4.3, 4.6 to 4.14, 4.18 to 4.20 and 5 to 12 of the accompanying application are true to my knowledge ; those made in paragraphs 4.4 and 4.5 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the 10 th day of June 2000.

Naba Kumar Deka

Annexure - 1

DEPARTMENT OF TELECOMMUNICATIONS .

Office of the T.M. i/c. T.O. Mangaldoi

No. A-12/LTC/Mld/95-96 dated at Mangaldoi the 25th May/95

To,

The Supdt. Tele-Tfc,
Tezpur divn. Tezpur.

Sub : Forwarding of application for LTC advance.

Please find herewith an application for LTC advance to Trivandrum from Sri N.K. deka TD T.O. Mangaldoi (with his family members) and one check list for LTC Tickets for your sanction and early return please.

Encl : As above...

Sd/-Illegible

Telegraph Master
In-charge
Telegraph Office
Mangaldoi.

22

1 world

94

Department of Telecommunications.

O/O The T.M. 1/c, T.M. Mangaldai.

CHECK LIST FOR L.T.C. TICKETS.

1. Name of the officials :- Sri N.K. Deka
2. Name of Designation :- TOA (T)
3. Date of Commencement of journey. :- 4-6-96
4. Name of Train & No. :- GH-TVC 1. 6322 (outgoing)
DN GH-E.F. 6323 (Returning)
5. Rly. Ticket sl.No. :- } 41890031, 41890032 (outgoing)
6. Reservation Ticket No.s :- } 49882417, 49882418 (Returning)
7. Amount :- Rs. 34,470/-
8. Place for where the tickets are purchased :- Teivakum City
9. Whether the Stamp "L.T.C. purpose, Not for cancellation" is affixed on all tickets. :- Yes

25/5
 C. S. D. Deka
 In Charge
 Telegraph Office
 Mangaldai

No. A-12/LTC/Mid/95-96 dated at Mangaldai. The 25/5/96

Copy for information to :-

1. The Supt. Tele-Info, Tezpur divn. Tezpur.
2. Official concerned.

copy to
 25/5/96

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Annexure-2

शुभ यात्रा		HAPPY JOURNEY	
क्रेनी CLASS	पं. नं. आर. नं. PNR NO.	गाड़ी नं. TRAIN NO.	दिनांक DATE
	110140 6322	04-06-95 3576	GHY-TVC-EXPRESS /081
JOURNEY CUM RESERVATION TICKET - CAL PRS			
मुंबई - त्रिवेन्द्रम से			
EC	GAUHATI	TRIVANDRUM CNTL	RESV. UPTO
कोच COACH	सीट/बर्थ SEAT/BERTH	लिंग SEX	आयु AGE
WL 77/WL	43M	50	
WL 78/WL	44F	53	
WL 79/WL	45M	26	
WL 80/WL	46M	24	
WL 81/WL	47F	22	
Rs. Nine Five Seven Five Only 9575			
BRD AT GHY ON 04-06 AT 23:15			
128-23-05-1035 GHY 007 VIA NJP NFK RPH HHM CTC VSKP MAS			

शुभ यात्रा		HAPPY JOURNEY	
क्रेनी CLASS	पं. नं. आर. नं. PNR NO.	गाड़ी नं. TRAIN NO.	दिनांक DATE
	710146 6322	04-06-95 3576	GHY-TVC-EXPRESS /082
JOURNEY CUM RESERVATION TICKET - CAL PRS			
मुंबई - त्रिवेन्द्रम से			
EC	GAUHATI	TRIVANDRUM CNTL	RESV. UPTO
कोच COACH	सीट/बर्थ SEAT/BERTH	लिंग SEX	आयु AGE
WL 82/WL	48M	20	
WL 83/WL	49M	18	
WL 84/WL	50M	16	
WL 85/WL	51M	14	
Rs. Seven Six Six Zero Only 7660			
BRD AT GHY ON 04-06 AT 23:15			
128-23-05-1036 GHY 007 VIA NJP NFK RPH HHM CTC VSKP MAS			

[illegible]

INSTRUCTIONS TO PASSENGERS

- INSTRUCTIONS TO PASSENGERS**
- Please print name of this ticket for
Cancellation Modification
- This ticket is valid only through the L.T.C. only quoted
any
- For the last IAC no in your country. The same no
your status at the time of booking
- Please check your ticket particulars and codes for Cancellation
before leaving your home as there are charges accordingly coming into
operation.
- Please take this ticket and travel to the
- IAC - Allment of local issues to IAC passengers is
strictly on priority of reservation class and passenger
requirements etc. as per
- Under all passengers should not enter its journey up to the
last day of the journey.



आदिपुत्र नामक नाम निम्नलिखितः १५०००
आदिपुत्र नाम

CTIONS TO PASSENGERS
 of this ticket for
 only one-way
 only one-way
 to your country. The same no
 of making
 ticket par value of the same
 of the same

L.T.C. Purpose
Not for Cance
Chen

In-charge
Telegraph Office
Manzanillo

- The first step in the process of the scientific method is to ask a question.
- The second step is to do background research.
- The third step is to form a hypothesis.
- The fourth step is to test the hypothesis by conducting an experiment.
- The fifth step is to analyze the data and draw a conclusion.
- The sixth step is to communicate the results.

Page 12

INSTRUCTIONS TO PARTICIPANTS

- RESTRICTIONS TO PASSENGERS**
- Quota PNR number of this ticket for international Cancellation Modification
 - This ticket is valid only for travel to country of origin or any
 - First wait ISTRAC no. is your serial no. The second one your status at the time of booking.
 - Please check your ticket particulars & charges carefully before leaving counter. Error detected subsequently cannot be accepted.
 - Please note this ticket is not transferable.
 - RAC - Allocation of waiting berth to RAC passengers is done on basis of first class fare paid and payment of surcharges etc as due.
 - Wait list passenger should not enter into reserved coaches.
 - Refer to A.S. pass book rules.



... विभाग ...
... विभाग ...

Purpose

L.T.C.

for cancellation

Cover

In-charge
Telegraph Office
Mangalore

- a) Ticket is valid only from Railway Booking Office
- b) There is no reservation facility for passengers having any disability or suffering of other such
- c) With the station approval of passenger train through New Jalpaiguri, Haldighati and T2 or any 201/426 to

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Annexure-2 contd.

शुभ यात्रा		HAPPY JOURNEY								
कैस CLASS	पै एन आर नं. PNR NO.	वयस्क ADULT	बच्चे CHILD	दिनांक DATE	गाडी TRAIN	TICKET NO.	टिकट नं.			
	310064	5	0	15-6-95	6321 DN GUMAHATI EXP.	49882417	/417			
JOURNEY CUM RESERVATION TICKET						PRS-MAS				
I प्रिवेन्द्रम से. मुवसरी						मक / से आरक्षण				
FC TRIVANDRUM CNL GUMAHATI						RESV. UP TO				
कोच COACH	सीट / बर्थ SEAT/BERTH	लिंग SEX	वयस्क AGE	यात्रा अधिकार पत्र T. AUTHORITY	सिवायत CONC.	आ. शु. R. FEE	स. शु. S. CH	मु. अ. SF. CH	वाउचर नं. VOUCHERS	कु. नकद नं. T. CASH RS.
RUPEES NINE FIVE SEVEN FIVE ONLY										
WL	28/WL	16	M	50						9575
WL	29/WL	17	F	43						
WL	30/WL	18	M	26						
WL	31/WL	19	M	24						
WL	32/WL	20	F	22						
TRN LUG TVC 15-6-95 AT 1250										
506 2005 1144 GHY 941 KM 3582 VIA ERN - MAS - BZA - HMH - RPH										

शुभ यात्रा		HAPPY JOURNEY								
कैस CLASS	पै एन आर नं. PNR NO.	वयस्क ADULT	बच्चे CHILD	दिनांक DATE	गाडी TRAIN	TICKET NO.	टिकट नं.			
	210070	4	0	15-6-95	6321 DN GUMAHATI EXP.	49882418	/418			
JOURNEY CUM RESERVATION TICKET						PRS-MAS				
I प्रिवेन्द्रम से. मुवसरी						मक / से आरक्षण				
FC TRIVANDRUM CNL GUMAHATI						RESV. UP TO				
कोच COACH	सीट / बर्थ SEAT/BERTH	लिंग SEX	वयस्क AGE	यात्रा अधिकार पत्र T. AUTHORITY	सिवायत CONC.	आ. शु. R. FEE	स. शु. S. CH	मु. अ. SF. CH	वाउचर नं. VOUCHERS	कु. नकद नं. T. CASH RS.
RUPEES SEVEN SIX SIX ZERO ONLY										
WL	33/WL	21	M	20						7660
WL	34/WL	22	M	18						
WL	35/WL	23	M	16						
WL	36/WL	24	M	14						
TRN LUG TVC 15-6-95 AT 1250										
506 2005 1145 GHY 941 KM 3582 VIA ERN - MAS - BZA - HMH - RPH										

[illegible]

INSTRUCTIONS TO PASSENGERS

NOTE THE AIR NUMBER OF THIS TICKET FOR ENQUIRIES
CANCELLATIONS MODIFICATIONS

THIS TICKET IS VALID ONLY ALONGWITH THE TRAVEL
AUTHORITY QUOTED; IF ANY
FIRST CLASS BAG NUMBER IS YOUR SERIAL NUMBER THE
SECOND NUMBER IS YOUR STATUS AT THE TIME OF BOOKING

A : FIRST ACC 2 A AC TWO-TIER
 FIRST CLASS CC : CHAIR CAR
H : SLEEPER CLASS
 SECOND SLEEPING

NOTICE THAT WHILE JOURNEY PARTICULARS PRINTED ON
TICKETS ARE NON-TRANSFERABLE

Let all of us Hindus,
Mussalmans, Parsi's, Sikhs,
Christians live amicably as
Indians, Pledged to live and die
for our mother land.

MAHATMA GANDHI

MAHATMA GANDHI
"L.T.C." ^{Post} ~~Post~~ for cancellation
Not for cancellation
Phak 15

Telegraph Master
In-charge
Telegraph Office
Mangaldai,

१. एक कक्षा की कक्षाओं का नाम क्या है ?
 २. एक कक्षा का नाम क्या है ?
 ३. एक कक्षा का नाम क्या है ?
 ४. एक कक्षा का नाम क्या है ?
 ५. एक कक्षा का नाम क्या है ?
 ६. एक कक्षा का नाम क्या है ?
 ७. एक कक्षा का नाम क्या है ?
 ८. एक कक्षा का नाम क्या है ?
 ९. एक कक्षा का नाम क्या है ?
 १०. एक कक्षा का नाम क्या है ?

INSTRUCTIONS TO PASSENGERS
 1. THE TWO NUMBER OF THIS TICKET FOR ENQUIRIES.
 2. MODIFICATIONS
 3. TICKET IS VALID ONLY ALONGWITH THE TRAVEL
 4. NUMBER QUOTED, IF ANY.
 5. WAITLIST RAC NUMBER IS YOUR SERIAL NUMBER THE
 6. TWO NUMBER IS YOUR STATUS AT THE TIME OF BOOKING
 7. AS GIVEN
 8. FIRST ACC
 9. FIRST CLASS
 10. 2 A : AC TWO-TIER
 11. 2C : CHAIR CAR
 12. SECOND CLASS
 13. SECOND SITTING
 14. LINE THAT YOUR JOURNEY PARTICULARS PRINTED ON
 15. ARE CORRECT
 16. TICKET IS NOT TRANSFERABLE

Let all of us Hindus, Mussalmans, Parsi's, Sikhs, Christians live amicably as Indians, Pledged to live and die for our mother land.

MAHATMA GANDHI

"L.T.C. Purpose
NOT for cancellation"
Cover 2015
Telegraph Master
In-charge
Telegraph Office,
Mangaldai.

GOVT OF INDIA - 25 -
DEPARTMENT OF TELECOMMUNICATIONS.
OFFICE OF THE SUPERINTENDENT TELEGRAPH TRAFFIC
TEZPUR DIVISION, TEZPUR.

Annexure - 3

No. TD/A-5/LTC/adv/PTO-MLP 95-96

Dated. 29.5.95.

Sanction of the Superintendent Telegraph Traffic, Tezpur Division, Tezpur is hereby accorded for payment of Rs. 31,000/- (Rupees Thirty one thousand) only to Sri N.K.Deka TL be TL of DTO Mangaldai being LTC advance in connection with his visit to home/selected town Trivandrum on LTC with his family members for 4 years block of 1994-97.

The above advance is granted with following conditions and particulars of his family members are given below.

Sl no.	Name	Age	Relationship with govt. servant.	Whether dependant.
1.	Sri N.K.Deka (Self)	50	-	-
2.	Mrs. Ranju Deka (Wife)	43	wife	Yes.
3.	Sri Rajiv Deka	26	Son	"
4.	Sri Binod Kr. Deka	24	Son	"
5.	Sri Nisharani Deka	22	daughter	"
6.	Sri Akhil Kr. Deka	20	Son	"
7.	Sri Jitumoni Deka	18	Son	"
8.	SRI Biplob Kr. Hazarika	16	Son	"
9.	Sri Pranjal Kr. Hazarika	14	Son	"

The advance is adjustable from his LTC bill. The advance is debitable to major head A-2(4). under sub head salaries.

1. Train/Bus Tickets of both outward and returned journey must be attached with LTC bill in time of adjustment.
2. The advance should be refunded in full if-
 - a) The outward journey is not commenced within due date.
 - b) The final adjustment bill of advance is not submitted within one month of completion of return journey.
3. Half of advance now sanctioned should be given to the official and on production of tickets for the outward journey, remaining part should be paid.

Copy to: 1. The Incharge, DTO Mangaldai W.r.t. his no. A-12/LTC/MLD/95-96 dtd, 25/5/95.
2. The A.O. (TA), O/O The C.G.M.T. Assam Circle Guwahati. For information.

XXXXXX (F.A.T. 10)

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Annexure - 4

DEPARTMENT OF TELECOMMUNICATIONS

Office of the Telegraph Master i/c Mangaldoi

To

The Supdt. Telegraph Traffic,
Tezpur divn, Tezpur-784001.

No. A-12/LTC/Bill/95-96 dated at Mangaldoi the 28th Aug '95

Sub : Forwarding of LTC bill

Enclosed, please find herewith one LTC bill in triplicate alongwith 2 (two) nos of xerox copy of rly. tickets and copy of check list, submitted by Sri N.K. Deka TOA(T) for favour of your kind sanction please. It is added here that the official submitted the original tickets at the time of taking advance.

Encl : As above.

Sd/-Illegible

Telegraph Master
In-charge
Telegraph Office
Mangaldoi.

To,

The S.D.E. (T.T.)

Tezpur T.T. Sub-Divn. Tezpur.

Dated at Mangaldai the 14th Sept.'99

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ANNEXURE- 5

Through Proper Channel.

Ref. : No. A-12/LTC/NKD/99-2000 dtd 07-09-99 vide your confidential instruction to the T.M. I/CT.O. Mangaldai under.

Ref. : SDE (TT) Tezpur No. TD/V-1/Vig/LTC/NKD/99-2000 dtd.01-09-99

Sub: Prayer for kind review and reconsideration for metingout justice.

Sir,

With reference your letter noted above, with all my humble submissions I beg to submit the following few lines for favour of your kind reconsideration and favourable order thereof.

That Sir, you are aware that -

(1) For the block year 1994-97 I have availed L.T.C. with my family members.
(2) I have done the journey on 04-06-95 and for the purpose 90% advance that amounted Rs. 31,000.00 (Rupees Thirty one thousand) has been granted and paid to me being pleased by the authority on production of both ways original Railway reservation tickets before the authority concerned which were immediately checked and made cross mark on the reverse of the both tickets qouting clearly "L.T.C. purpose. Not for cancellation" along with seal and signature of the authority concerned.

3. After completion of my journey I have submitted the final bill within stipulated period on 28-08-95 claiming some major expenses only along with available requisite documents for your kind early sanction. But unfortunately enough It has kept for more than 4 years without settlement and without assigning any reason to me, though repeated appeals for amicable settlement have been made to you. So far as my knowledge is concerned during 1995 and 1996 all possible attempts and measures have been taken up to default the bill by S.D.E (TT), Tezpur creating a sense of suspicions and reported to be drawn the kind notice of the different high authorities concerned but resulted nothing and since 1995 for more than a period of 4 years it has been kept without justice at your end that has apperently imposed upon me the mental punishment and known to be hampared in departmental promotion also which is prejudiced and injustice.

Interestingly enough, at the later part of 1997 the then Hon'ble outgoing SDE(TT), Tezpur have been found to be kind enough who has initiated to settle the long pending case and vide his letter No. TD/V-1/LTC/97-98 dtd 16-09-97-I have been asked why I have not attached the receipts of the reservation charges that had to pay to the T.T.C concerned and why my two sons have used Hazarika title. The answer was very simple and it was replied on 06-10-97 with available document but he has transferred to some another wings of the deptt. before he could do anything and my bill has also again been kept tight at your end.

But it is found that the very intention that allegedly developed in 1995 to creat a clue to ~~the~~ reject my bill has finally come into force which has taken more than 4 years for the preparation of its execution to make me the victim as desired.

I cannot but express my surprise and astonishment that to express your total dissatisfaction on my supplementary reply of 06-10-97 which you have costed another 2 years and on 01-09-99 through a confidential instruction to the T.M. I/C Mangaldai, the entire amount that drawn in the year 1995 has been told to ~~be~~ instructed to deduct with penal interest at ~~that~~ time of my going to be retired from service. Even I have not been provided with a copy of your said order since I have been told to be accused by you to know the ground under which I have been made victim, which is supposed to be my fundamental right as a permanent employee of the deptt. that the said simple order has also been made confidential where practically no confidentiality may remain there. You could have reject my bill in 1997 also while my reply has been submitted but you did not

Conted..... 2

(2) 28-

542

rather kept pending for another 2 years.

I have not claimed many more minor expenses that had to incurred in the journey like payments to the labourers (Mutiah) for carrying my luggage, taxi-fare, reservation charges that paid to the T.T.C. etc. which have not also been claimed.

Now sir, as the "dissatisfaction" is the expression of mental status only it does not carry the actual points for which the dissatisfaction has come and mere dissatisfaction cannot be a vital point to penalise a person until it is clarified.

Under the circumstances, I have beg to request you kindly to reconsider the case most sympathetically and to review the order so that justice is met, else I will be totally victimised at this tail end of service life and the structure of my family economy will also be devastated and the entire large family along with old and invalid parent, college reading children, unmarried young daughter all will have to suffer irreparable losses while I am the only earning member of the family and Sir, if you really become kind enough, I shall remain ever grateful to you.

And sir, if some how some where in this humble appeal, I am seemed to be harsh I may kindly be excused please.

With sincere regards

Yours faithfully.



(N.K. Deka)

TOA(T), T.O Mangaldai.

Number of Encls :-

- 1) One copy of deduction order.
 - 2) One forwarding copy of final bill.
 - 3) 2 copies of Rly. tickets (Xerox)
 - 4) One copy of check-list.
 - 5) One copy of representation dtd. 06-10-97
 - 6) One copy of certificate
- Supporting tittles.

Copy forwarded to :

1. ✓ The T.D.M. Tezpur.
2. ✓ The chief Account officer.
✓ O/O the T.D.M. Tezpur.
3. ✓ The Divisional Secretary,
AITTEU. CL-III. Tezpur.
4. ✓ The circle Secretary,
AITTEU. CL-III, Assam circle Guwahati.
5. P/F.



(N.K. Deka)

TOA (T)

T.O. Mangaldai.

29- ANNEXURE 6
ALL INDIA TELEGRAPH TRAFFIC EMPLOYEES UNION, CL-III,

TEZPUR DISTRICT BRANCH, TEZPUR SSA, TEZPUR.

No. T-111/DIST/99-2000

Dtd. at Tezpur the 3rd Nov/99.

To

The T D M, Tezpur SSA, Tezpur.

Sub.:- Final settlement of the four years old LTC bill of Sri
N K Deka Sr.TOA(T), Mangaldai T.O.

Sir,

With due respect I beg to draw your kind attention to the following fact for your kind consideration and favourable order thereof.

Sri N K Deka of Mangaldai T.O. availed LTC with the members of his family for the Block Year 1994-97. He was paid 90% advance of Rs 31,000/ (Thirtyone thousand only) by the authority. He also showed original Rly tickets to the officer concerned who checked those to his satisfaction and stamped " LTC PURPOSE NOT FOR CANCELLATION" on the reverse of the tickets. He started his journey on 4/6/95. After his journey he submitted the final bill within the stipulated period on 28/8/95. The bill was kept unsettled for more than 4 years and surprisingly a sudden and unwarranted order was issued by the SDE(TT) on 1/9/99 to recover the whole advance with panel interest from the salary of Sept/99 and onward.

On scrutiny of the relevant documents it has become quite clear that the existing departmental rules and procedures was not followed properly in the various stages by the concerned officers which resulted in undue and abnormal delay in settling the final claim and ultimately a hurried and unjustified conclusion was drawn by the authority in this regard.

A tremendous monetary and mental harassment has been imposed on the official almost at the end of his service life. He is also being deprived of various promotional benefits on the plea of his unsettled LTC bill. The official has no other way but to tolerate all sorts of sufferings for no fault of his own.

So, I request you to give a deep look into the matter and take necessary action so that the above case is settled in his favour without any further loss of time.

I, suggest you to investigate the whole matter personally or by a impartial officer so that responsibility can be fixed in a justified way. You can also make the union a party to the investigation.

An early reply about the action taken in this regard is expected.

Yours faithfully,

Copy to:- (1) SDE(TT), Tz.

(2) Circle Secy. GH

(3) Official concerned.

B. B. SARKAR 2/11/99

(B. B. SARKAR)

DISTRICT SECRETARY.

A.I.T.T.E.U. CLASS-III,

TEZPUR S.S.A. BRANCH.

TEZPUR-784001.

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TDM TEZPUR

Pay Slip for the month of APR 2000

Bill No: 18 Sectn.: D.T.O/MANGALDOI GPF.No: PTC-74984

Emp.No: 31319 N K DEKA TOA(T) Group: C

EARNINGS				TOTAL
BASIC	5750	SDA	719	9080
DA	2128	SCA	120	
HRA	288	OTHERS	75	

DEDUCTIONS				TOTAL
GPF	2000	SCT_AD	250	6930
GPF_AD	1500	FES_AD	150	
CGEGIS	30	OVERPAY	3000	NET PAY
				2150

OTHER DEDUCTIONS				TOTAL
PROTAX	59			64
WELFR	5			
				T.H.PAY
				2086

Accounts Officer

To,

The T.D.M.
Tezpur Telecom. District, Tezpur-784001.

Dated at Mangaldai the 2nd May/2000.

Through proper channel.

Ref:- Pay slip for the month of April/2000 vide bill No-18 against emp. No-31319.

Sub:- Deduction in the name of "over-pay" and the justification thereof and kind arrangement of its refund.

Sir,

Respectfully, I beg to draw your kind attention to the following few lines for favour of your kind intimation and metingou justice.

That Sir, without any pre-intimation and assigning any reason to me, an amount of Rs 3000/- (Rs Three thousand) has been deducted as overpay from my pay & allowances in the pay bill of April/2000, that noted above.

I am surprised and deeply shocked to find the pay slip, as to my best of knowledge and belief, I have not drawn any over-pay from the department and if it is happened so, I should have intimated earlier, to meet the lapses. But the deduction has been done exparte keeping me in dark which has hammered my entire family economy and caused crisis and irreparable loss.

Hence, you are requested to arrange refund of the same and to detail the reasonable facts of "over-pay" if really found, at your earliest please so that justice is met in proper time and I may get relief from victimisation.

With sincere regards.

Your's faithfully.

(N. K. Deka.)

TOA(T). T.O. Mangalda

Empl. No:- 31319.

To,

The Subdivisional Engineer, Tele-Traffic,
Tezpur Tele-Traffic division, Tezpur.

Through Proper Channal.

Dated Mangaldai the 31st Dec '97.

No. :-

Sub : Lapses of annual increments and the justice thereof.

Sir,

Respectfully, I beg to draw your kind attention to the following few lines for favour of your kind consideration and meting out justice at your earliest ~~place~~ ^{place}. please.

That Sir, however of late I have come to know that I have been deprived from several annual increments of my duly granted leave period. The matter in brief as under.

1. On 01-01-86 my pay has been fixed at Rs. 1360/= as per 4th C.P.C. in the pay scale of Rs. 975-25-1150-EB-30-1660.
2. As I have been suffering from "dipressive psychosis" and was under medical treatment and advice I was on leave on application with requisite medical certificate which has been duly granted.
3. The entire period of my leave from 01-05-84 to 16-05-89 has been duly granted as L.W.P. on M/C by the STT Kohima as at that period I have been working at Kohima D.T.O.
4. On 16-05-89 I have been released from the Kohima D.T.O. and transferred to the C.T.O. Guwahati. As my release order has been passed during my ailment and leave I could not resume my duties immediately at C.T.O. Guwahati but extended my leave upto 31-12-89 with M/C.
5. The Chief Superintendent, C.T.O. Guwahati was pleased to grant my leave from 17-05-89 to 31-12-89 as L.W.P. with M/C.

After expiry of my leave being recovered from illness I have joined my duties in the C.T.O. Guwahati on 01-01-90 producing necessary medical certificates.

Now Sir, as my entire period of leave has been duly granted as L.W.P. without any punishment continuing my service seniority and on which base I have been granted B.C.R. the annual increments from 01-01-86 to 31-12-89 in really due to me as per departmental rules.

But unfortunately in my turn of annual increment it has not been done so, but on 01-07-90 only one increment has been given to me and the very calculation is still continuing which has caused an irreparable loss to me.

Hence, you are requested kindly to verify my prayer at your earliest so that justice is met.

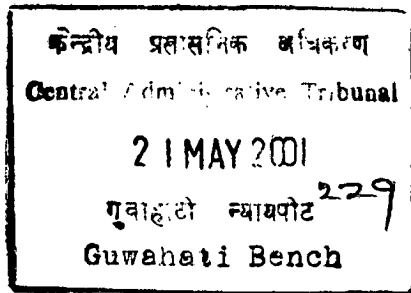
With regards.

Yours faithfully,

(N.K. Deka)

TOA (T)

T.O. Mangaldai.



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21/5/01

(A. DEB ROH)

Sr. C. G. S. C.

C. A. T. Guwahati Bench

4B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

O.A. NO. 215 OF 2000

Shri Naba Kr. Deka

- Vs -

Union of India & Ors.

- And -

In the matter of :

Written Statement submitted by the
Respondents

The respondents beg to submit the written statements
as follows :

1. That with regard to para 1, the respondents beg to state that the applicant Shri N.K. Deka received an amount of Rs. 17,870/- as LTC advance for the block year 1990-93 and Rs.31,000/- for the block year 1994-97. The bills for those advances were submitted by the applicant after the prescribed time period, which is one month of the completion of return journey. If a Govt. Servant fails to do so, he shall be required to refund the entire amount of advance forthwith in one ^{lumpsum} ~~lumpsum~~. No request for recovery of the advance in instalments shall be entertained.

In the first case of the bill, the applicant completed the journey on 22.4.93, but submitted the bill on 28.5.93. In the second case, he completed the journey on 19.6.95 but submitted the bill on 18.8.95. In both the

occassions, he failed to maintain the time limit as prescribed in CCS Leave Travel concession Rules and is treated as time barred. A decision was taken to recover the whole amount of LTC Advance paid to him as per rules.

The extract of CCS Leave Travel Concession Rule is annexed hereto as R₁ .

2. That with regard to para 2, 3 and 4.1, the respondents beg to offer no comments.

3. That with regard to para 4.2, the respondents beg to state that the applicant joined in the Telegraph office of Mangaldoi on 4.10.90 and is continuing till date. Shri Deka failed to show his devotion to duty and always acted in a manner detrimental to the interest of the Department.

Financial benefit or promotional benefit was not extended to him as a vigilance case was contemplated against him. He was for extra-ordinary leave for a period of 5 years 8 months.

4. That with regard to para 4.3, the respondents beg to state that the official took LTC advance for the block year 1994-97 an amount of Rs. 31,000/-. He completed his journey on 19.6.95 and submitted the bill on 18.8.95 which is beyond the prescribed time limit as laid down in CCS Leave Travel Concession Rules. Recovery of LTC advance to the applicant though commenced from 4/2000, had to be stopped w.e.f. 7/2000 as directed by the Hon'ble Tribunal on 3.7.2000 in this O.A. He was given increment to the stage of Rs. 1750/- w.e.f. 1.7.97. He was also given BCR promotion w.e.f. 1.7.95 on completion on 26 year of service. He was not in service for a period of

-3-

11 years and his service Book is under scrutiny and is being updated. He did not deserve any supervisory post by virtue of his seniority but was ordered to officiate as TM incharge being station senior at Mangaldoi Telegraph office. Shri Deka failed to show his devotion to duty and acted in a ~~maner~~ ~~manne~~ detrimental to the interest of the Department.

While functioning as ^{in-charge} ~~it~~ of DTO Mangaldoi, Shri Deka misappropriated STD revenues in connivance with Group D officials. Shri Deka used to keep the Telegraph office closed during 'Assam Bandh', Darrang Bandh etc, though ~~Telecom~~ Telecom services were exempted from the purview of Bandh. He always attended office late and departed early. The staffs are very much annoyed ^{with} ~~over~~ his intoxicated nature. He incited ~~Pressman~~ ^{Pressman} to write against the Department to cover his lapses. For all these reasons and for the best interest of service, he was removed from the incharge of the office and a junior was placed as incharge of the Telegraph office.

5. That with regard to paras 4.4 to 4.7, the respondents beg to state that the applicant was paid LTC advance for the block year 1994-97 after observing the formalities. He submitted the bill after expiry of scheduled time as prescribed in LTC rules. Moreover no genuine documents in support of his both way journey~~s~~ were attached with the bill, though asked for many times. The bills were not misplaced but sent to higher authorities for more scrutiny.

6. That with regard to para 4.8, the respondents beg to state that since the bills in question were submitted.

-4-

after expiry of scheduled time, these were treated as time barred and a decision was taken by the competent authority to recover the whole amount of advance in instalments commenced from the salary of 4/2000. However such deduction was stopped as directed by the Hon'ble Tribunal in its order dated 3.7.2000.

7. That with regard to para 4.9 to 4.11, the respondents beg to state that the employees union took up the matter with the authority at local level. The deduction of recovery was made from the month of 4/2000 as decided by the competent authority. Pay bills are drawn through computer and deductions of recovery etc are shown in ~~ex~~ column 'others, over pay'.

8. That with regard to para 4.12, the respondents beg to state that the annual increments have been given to him. Datas upto 6.12.97 have been recorded in the service Book. Up-dating of service Book is being done. ~~Due~~ Due, increments would be given after up-dating of the service Book. The officiating incharge post allotted to Shri Deka has been replaced by another official because of his style of functioning in the office which are elaborated in reply to para 4.3.
/ 4.13 to

9. That with regard to para 4.16, the respondents beg to state that the recovery deduction of LTC advance of the official was taken as per rules and first deduction was commenced w.e.f. 4/2000. Increments to be given to him ~~if due~~ after updating of service Book. Facilities referred to in the paras would be considered if permissible by rules after the completion of vigilance case.

10. That with regard to paras 4.17 to 4.20, the respondents beg to state the recovery of deduction of Rs.3000/- per month commenced from April/2000 and was stopped from July 2000, as directed by the Hon'ble Tribunal.

The applicant official failed to maintain devotion to duty. It appears from his service record that, he was on duty for 5324 days out of total service period from 25.2.66 to 31.12.97. He was on Earned Leave for 406 days, Extra ordinary leave for 4644 days, half pay leave for 199 days, leave not due for 78 days, Diesnon for 707 days, suspension for 203 days and Quarantive leave for 72 days.

As stated in foregoing paras his style of % functioning as in charge of Mangaldai Telegraph office was detrimental to the interest of service. His recovery of LTC advance was started as per provisions of the CCS-LTC Rules.

Verification.....

V E R I F I C A T I O N

I, Shri Ganesh chandra Sarma, Asst. Director Telecom,
being authorised do hereby verify and declare
that the statements made in this written statement are true
to my knowledge, information and believe and I have not
suppressed any material fact.

And I sign this verification on this 16 th day
of May, 2001.


Declarant.

Asst. Director Telecom (Legal)
O/O the C. G. M. Telecom
Assam Circle, Gauhati-781001

13. **Reimbursement.**—Reimbursement under the leave travel concession scheme shall not cover incidental expenses and expenditure incurred on local journeys. Reimbursement for expenses of journey shall be allowed only on the basis of a point to point journey on a through ticket over the shortest direct route.

14. **Forfeiture of claim.**—A claim for reimbursement of expenditure incurred on journey under leave travel concession shall be submitted within three months after the completion of the return journey, if no advance had been drawn. Failure to do so will entail forfeiture of the claim and no relaxation shall be permissible in this regard.

15. **Grant of advance and adjustment thereof.**—(i) Advance may be granted to Government servants to enable them to avail themselves of the concession. The amount of such advance in each case shall be limited to four-fifths of the estimated amount which Government would have to reimburse in respect of the cost of the journey both ways.

(ii) If the family travels separately from the Government servant, the advance may also be drawn separately to the extent admissible.

(iii) The advance may be drawn both for the forward and return journeys at the time of commencement of the forward journey, provided the period of leave taken by the Government servant or the period of anticipated absence of the members of the family does not exceed three months or ninety days. If this limit is exceeded, then the advance may be drawn for the outward journey only.

(iv) If the limit of 3 months or ninety days is exceeded after the advance had already been drawn for both the journeys, one half of the advance should be refunded to the Government forthwith.

(v) The advance should be refunded in full if the outward journey is not commenced within 30 days of the grant of advance. However, in cases where reservations can be made sixty days before the proposed date of the outward journey and advance is granted accordingly, the Government servant should produce the tickets within ten days of the drawal of advance, irrespective of the date of commencement of the journey.

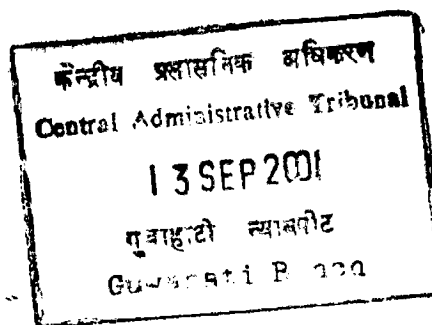
(vi) Where an advance has been drawn by a Government servant, the claim for reimbursement of the expenditure incurred on the journey shall be submitted within one month of the completion of the return journey. On a Government servant's failure to do so, he shall be required to refund the entire amount of advance forthwith in one lumpsum. No request for recovery of the advance in instalments shall be entertained.

16. **Fraudulent claim of leave travel concession.**—(1) If a decision is taken by the Disciplinary Authority to initiate disciplinary proceedings against a Government servant on the charge of preferring a fraudulent claim of leave travel concession, such Government servant shall not be allowed the leave travel concession till the finalization of such disciplinary proceedings.

19.6.95 *Completed*
18.8.95 *Subsidy*

3 orders delay

12
18
30



22/6/01
(A. DEB ROY) 13/9/01
Sr. C. G. S. C.
G. A. T. Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : : : GUWAHATI

O.A. NO. 215 OF 2000

Shri N.K. Deka

- Vs -

Union of India & Others.

- And -

In the matter of :

Additional written statement
submitted by the respondents

The respondents beg to submit the additional
written statements as follows :-

1. That the respondents beg to state that, the Service Book of the applicant has been updated upto 31.3.2000.
2. That annual increment of the applicant has been given upto 1.7.2000.
3. That the DPC held on 19.8.99 for promotion to the cadre of Sr. TOA(T)/(G)(P) considered the case of the applicant, but did not recommend his case due to ~~pending~~ pending vigilance case.

Verification.....

V E R I F I C A T I O N

I, Shri Ganesh chandra Sarma, Asst. Director Telecom. (Legal) being authorised do hereby verify and declare that the statements made in this written statement are true to my knowledge, information and believe and I have not suppressed any material fact.

And I sign this verification on this 29 th day of June, 2001.

Ganesh Ch. Sarma,
Declarant.