

X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No... 176/2000

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

E.P/M.A No.....

1. Orders Sheet. O.A. 176/2000Pg. 1to. 5.....
2. Judgment/Order dtd. 28/09/2001Pg. 1to. 4..... *disposed*
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 176/2000Pg. 1to. 18.....
5. E.P/M.P..... NilPg.to.....
6. R.A/C.P..... NilPg.to.....
7. W.S.....Pg. 1to. 16.....
8. Rejoinder.....Pg. 1to. 5.....
9. Reply.....Pg.to.....
10. Any other Papers.....Pg.to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 176/2000 OF 199

Applicant(s) Sri Monegam Syiem.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. M. Chanda,
Mrs. N. D. Goonami,

Advocate for Respondent(s) Mr. G. N. Chakraborty,
C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form and within time. F. of Rs 50/- deposited vide IPO No. 457214 dated 1.6.2000</p> <p><i>MS 5/6/2000</i></p> <p><i>MS 5/6/2000</i></p> <p>7-6-2000</p>	<p>6.6.00</p>	<p>Heard Mr M.Chanda, learned counsel for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents. Application is admitted. Written statement be filed within four weeks. List on 7.7.2000 for written statement and further orders. Meanwhile no recovery in pursuance of Annexure-1, 2 and 3 shall be made from the applicant.</p> <p style="text-align: right;"><i>[Signature]</i> Member(J)</p>
<p>Service of notices prepared and sent to D. Section for issuing of the same to the respondent through Regd. post with A/D.</p> <p><i>MS 6/6/2000</i></p>	<p>10.7.00</p>	<p>Present: Hon'ble Mr S. Biswas, Administrative Member</p> <p>Learned counsel Mr M. Chanda for the applicant. At the request of Mr A.</p>

MS 12/6/00
D/No 1538 to 1540
 dtd. 12/6/00 *[Signature]*



Notes of the Registry	Date	Order of the Tribunal
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7-7-00
 no writs have been
 filed.
 In.

10.7.00

~~At the request of Sr. C.G.S.C.~~ *SR*
 Deb Roy, learned Sr. C.G.S.C. the case
 is adjourned and posted on 28.7.00 for
 filing written statement.
 S. Biswas
 Member (A)

13/7/00
 Notice duly served on
 respondents No 1, 2 & 3.
 In.

nkm

28.7.00

There is no Bench today.
 adjourned to 17-8-00.
 In.

No. writs have been
 filed.
 In.
28.9.00

17.8.00

There is no Bench. adjourned
 to 13.9.00.
 In.

13.9.00

No Bench. To be listed
 on 29.9.00.
 In.

29.9.00

Present : Hon'ble Mr. Justice D.N.
 Chowdhury, Vice-Chairman.
 List it again on 1.11.00 to
 enable the respondents to file written
 statement and for further orders.

[Signature]
 Vice-Chairman

No. writs have been filed.
 In.
31.10.2000

mk

1-11-00

No representation. List
 again on 16-11-00 for orders.
 By orders.

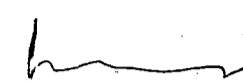

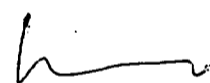


1-11-2000
 "Vakalatnama" has
 been filed by the
 respondents No 2, 3, 4.
 In.

[Signature]

15-11-2000

No. written statement
 has been filed.
 In.

15.11

Notes of the Registry	Date	Order of the Tribunal
	14.2.01	<p>Written statement has been filed. List on 12.3.01 for filing of rejoinder if any.</p> <p style="text-align: right;"> Vice-Chairman</p>
<p><u>15-2-2001</u></p> <p>Written statement has been filed by the Respondents No. 1 & 2</p>	12.3.01	<p>nos. 15. Adjournd to 28.3.2001, rls</p>
<p>① No. Rejoinder has been filed.</p> <p>② Written statement filed on behalf of R. No. 2 & 3.</p>	28.3.2001	<p>No rejoinder has, so far, been filed. The applicant may file rejoinder, if any, within ten days from today. List for orders on 25.4.01.</p> <p style="text-align: right;"> Vice-Chairman</p>
<p><u>24</u> <u>27.3.01</u></p>	25.4.01	<p>Written statement has been filed. Applicant may file rejoinder within two weeks from today. List on 16.5.2001 for further orders.</p> <p style="text-align: right;"> Vice-Chairman</p>
<p>No. Rejoinder has been filed.</p> <p><u>24</u> <u>14.6.01</u></p>	16.5.01	<p>Written statement has been filed. The case is ready for hearing. The applicant may file rejoinder within ten days. List on 15.6.2001 for hearing.</p> <p style="text-align: right;"> Vice-Chairman</p>
<p>No. Rejoinder has been filed.</p> <p><u>24</u> <u>3.7.01</u></p>	15.6.01	<p>Mrs. N.D.Goswami, appearing on behalf of Mr.M.Chanda, learned counsel for the applicant, requests for adjournment of the case on the ground that Mr.M.Chanda is out of station.</p> <p>Prayer is accepted, List for hearing is on 4-7-2001.</p> <p style="text-align: right;"> Member (A)</p>

5

5

Notes of the Registry	Date	Order of the Tribunal
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13.7.01

On the request of Mr. B.C. Das learned counsel case is adjourned for hearing on 20.7.01.

K. C. Das
Member

lm

20.7.2001

On the prayer of Mr. B.C. Das, learned counsel for the applicant, the case is adjourned to 27.8.2001 for hearing.

[Signature]
Vice-Chairman

27.8.01^{bb}

The case is adjourned on the prayer of learned counsel for the applicant. List on 30/8/01 for hearing.

[Signature]
Vice-Chairman

mb

30.8.2001

List again on 28.9.01 for hearing to enable the parties to obtain necessary instructions in the matter.

[Signature]
Vice-Chairman

12.9.2001

Rejoinder submitted by the applicant in reply to the W/S submitted by the Respondent No. 2 & 3.

nkm

28.9.01

Heard counsel for the parties. Hearing concluded, judgment delivered in open court, kept in separate sheets. The application is disposed of in terms of the order. No order as to costs.

[Signature]
Vice-Chairman

[Signature]

The case is ready for hearing.

[Signature]
28.9.01

bb

23.10.2001

Copy of the Judgment has been sent to the office for filing. The case is ready for hearing as well as for the order as to costs. For best.

6

Notes of the Registry

Date

Order of the Tribunal

Notes of the Registry	Date	Order of the Tribunal
[Faint, illegible text]	[Faint, illegible text]	[Faint, illegible text]

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 176 of 2000.

Date of Decision..28.9.2001..

Sri Mangand Syium

Petitioner(S)

Mr.M.Chanda, Mrs.N.D.Goswami &
Mr.G.N.Chakraborty

Advocate for the
Petitioner(s)

-Versus-

Union of India & Others

Respondent(s)

Mr.A Deb Roy, Sr.C.G.S.C for Resp. No.1,
Mr.K.N.Choudhury & Mr.B.C.Das for Resp.

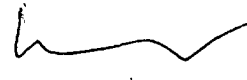
Advocate for the
No.2 & 3 Respondent(s)

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.



9

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 176 of 2000.

Date of Order : This is the 28th Day of September, 2001.

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

Sri Morgand Syiem
S/O Sri Dufferine Basaiaw
MOIT
Tech. Officer T 5
Division of Library
Indian Council of Agricultural Research
Complex for NEH Region, Umiam
Barapani, Meghalaya. . . . Applicant

By Advocate Mr.M.Chanda, Mrs.N.D.Goswami
& Mr.G.N.Chakraborty

- Vs -

1. The Union of India
Through the Secretary to the
Government of India
Ministry of Agriculture
New Delhi.
2. The Director
Indian Council of Agricultural Research
Complex for NEH Region
Umroi Road, Barapani
Meghalaya - 793103.
3. The Administrative Officer
Indian Council of Agricultural Research
Complex for NEH Region
Umroi Road, Barapani
Meghalaya - 793103. . . . Respondents.

By Mr.A.Deb Roy, Sr.C.G.S.C. for Respondent No.1 &
Mr.K.N.Choudhury & Mr.B.C.Das for Respondent Nos.2, & 3.

O R D E R

CHOWDHURY J.(V.C.) :

By an order dated 4.5.2000 the applicant was directed to refund the LTC advance of Rs.16,000/- which was sanctioned for the four yearly LTC 1990-93 vide an order No.RE(P)3/84 dated 12.1.1994 alongwith interest of Rs.2613/- in one lot, failing which it was decided to recover the amount from his salary from May, 2000 onwards. The legality of the said order is assailed in this proceeding.

Contd.. 2

2. Admittedly, the applicant was provided with an LTC advance of Rs.16,000/- for the block year 1990-93 in the month of January, 1994 for undertaking the journeys from Shillong to Amritsar. The applicant accordingly drawn the said advance for all the family members i.e. his son, three daughters, wife and for himself. Initially, a sum of Rs.8,000/- was paid to the applicant as LTC advance by the department for purchasing the Railway tickets. On receipt of the said amount the applicant purchased Railway tickets from Guwahati to Delhi. Thereafter the applicant produced the copy of the Railway ticket to the concerned authority for self and other family members. The authority accordingly verified the Railway tickets and released the second amount of Rs.8,000/- for performing the journeys from Shillong to Amritsar and back. According to the applicant, he performed the journey alongwith family members by train from Guwahati to Delhi, from Shillong to Guwahati and Delhi to Amritsar that part of journey was undertaken by bus. During his stay in Delhi, the applicant halted at the Indian Agricultural Research Institute, Delhi at the Farmer's Hostel. While returning from Amritsar, the applicant alongwith his family performed the journey by bus upto Delhi and from Delhi to Guwahati by train. When he reached at Guwahati on demand from the platform ticket checker, the applicant handed over the tickets to the ticket checker. Although the applicant requested the platform ticket checker to refund the tickets, he however, refused to return the same. The applicant also did not note the ticket numbers for inward journey. However, the applicant, on completion of the said journey, submitted his final bill for adjustment against the said drawal of advance of Rs.16,000/-. He could not furnish the ticket or ticket Nos. for the inward journey from Delhi to Guwahati.

3. The respondents insisted for the tickets and vide letter dated 20.12.1999, the applicant was asked to refund the LTC advance of Rs.16,000/-, since he failed to submit the necessary materials in terms of LTC as per the direction of the Administrative Officer vide letter dated 7.2.1997. When he failed to refund the said amount subsequently ^{by} communication asking the applicant to refund the said LTC amount, was sent to him vide the impugned order dated 4.5.2000. The legitimacy of the said order is under challenge.

4. The respondents stated that the applicant submitted his final bill beyond the stipulated period. The respondents expressed its inability for settling the final bill of LTC advance, since the applicant failed to submit necessary document in respect of granting of L.T.C. Rules contemplates for submission of the bill within the period but the rules also provides relaxation.


5. I have heard Mr. M.Chanda, learned counsel for the applicant and Mr.B.C.Das, learned counsel appearing for the respondents.

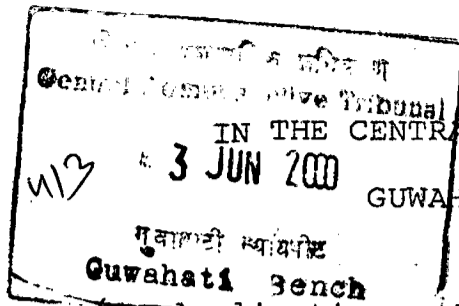
6. There is no basic dispute as to whether the applicant had undertaken the journey. If the applicant could not produce the documents the respondents could have acted upon the other materials and to satisfy itself, whether he had undertaken the journey. There is no question of not releasing the bill. The matter is a old one and the matter requires early disposal. Considering the facts and the circumstances I am of the view that ends of justice will be met if a direction is issued to the applicant to submit a detailed representation before the authority narrating all the facts and materials in support of his journey that he undertook, within three weeks from the date of receipt of the order. If such representation is made within the

prescribed period, the respondents shall sympathetically consider the same and pass an appropriate order by assigning reason as per law. Till the completion of the exercise and till the communication of the reasoned order the measure of recovery shall remain suspended.

Subject to the observations made above, the application stands disposed.

There shall, however, be no order as to costs.


(D.N. CHOWDHURY)
VICE CHAIRMAN



(An Application under Section 19 of the Administrative Tribunals Act, 1985).

Title of the Case : O.A.No. 176/2000

Sri Morgan Syiem : Applicant

-vs-

Union of India & Ors. : Respondents

I N D E X

Sl. No.	Annexure	Particulars	Page No.
1	-	Application	1-12
2	-	Verification	13
3	1	Impugned Order dt. 7.2.97	14
4	2	Impugned order dt. 20.12.99	15
5	3	Impugned order dt. 4.5.2000	16
6	4	Representation dt. 27.2.97	17
7	5	Representation dt. 6.1.2000	18

Date : 29.5.2000

Filed by
N.D. Syiem
Advocate

Morgan D. Syiem

14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An Application under Section 19 of the Administrative
Tribunals Act, 1985).

O.A. No. 176 /2000

BETWEEN

Sri Morgand Syiem
Son of Sri Dufferine Basaiaw
MOIT
Tech. office/T 5
Division of Library
Indian Council of Agricultural Research
Complex for NEH Region, Umiam,
Barapani, Meghalaya

.....Applicant

-AND-

1. The Union of India
Through the Secretary to the
Government of India
Ministry of Agriculture,
New Delhi.
2. The Director,
Indian Council of Agricultural Research
Complex for NEH Region,
Umroi Road, Barapani,
Meghalaya-793103

Contd.....

Morgan D. Syiem.

3. The Administrative Officer,
Indian Council of Agricultural Research
Complex for NEH Region,
Umroi Road, Barapani,
Meghalaya-793102

..... Respondents

DETAILS OF APPLICATION

1. Particulars of order against which this application is made.

This application is made against the impugned order of recovery of LTC Advance dated 7.2.1997, 10.12.97 and 4.5.2000 issued by the Administrative Officer, Indian Council of Agricultural Research Complex for NEH Region, Umroi Road, Meghalaya and also praying for a direction to the respondents not to make any recovery of LTC advance on the alleged ground of non-submission of ticket and ticket nos. for inward journey from Amritsar to Guwahati via Delhi.

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 within the period of limitation under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

The applicant is a citizen of India and as such he is entitled to all the rights and privileges guaranteed by the Constitution of India.

Contd..

4.2 That your applicant was initially appointed as Assistant Librarian in the year 1984. Thereafter he was promoted to the grade of Technical Officer (T 5) in the year 1990 in the pay scale of Rs. 6500-10500 (Pre revised Rs.2000-3500).

4.3 That your applicant begs to state that in the month of January 1994 the applicant took LTC advance for the block year 1990-93 for an amount of Rs. 16000/- as LTC advance. The said advance was duly sanctioned by the departmental authority vide order bearing letter No. RC(P)3/84 dated 12.1.1994 for undertaking the journeys from Shillong to Amritsar. It is relevant to mention here that the said LTC advance was drawn for all the family members including his one son and three daughters, wife and for self. In this connection it is pertinent to mention here that initially an amount of Rs. 8000/- was paid to the applicant as LTC advance by the department for purchasing the Railway tickets. The applicant accordingly on receipt of the said amount of Rs. 8000/- purchased Railway ticket from Guwahati to Delhi. Thereafter the applicant produced the copy of the Railway ticket to the concerned authority for self and other family members. The authority accordingly verified the Railway tickets and released the second instalment of Rs. 8000 for performing the journeys from Shillong to Amritsar and back.

4.4 That it is stated that the applicant accordingly in the month of January 1994 performed the journey along with family members by Train from Guwahati to Delhi. It is relevant to mention here that he performed the journey from Shillong to Guwahati and Delhi to Amritsar by Bus.

Mogar D. Syiem

19

It is relevant to mention here that while performing the said journey by the applicant along with his family members after drawal of LTC advance for the block year 1990-93, all the members of the applicant's family halted at the Indian Agricultural Research Institute in Delhi at the Farmer's Hostel. Necessary entries were also made in the relevant register in the Farmer's Hostel while the applicant along with family members performed the out ward journey from Shillong to Amtirsar which is evident beyond all doubts that the applicant along with other family members performed the journey after drawal of LTC advance for the block year 1990-93.

4.5 That it is stated that while returning from Amtirsar the applicant and his family members performed the journeys by Bus upto Delhi and from Delhi to Guwahati journey was performed by Train. It is pertinent to mention here that after reaching at Guwahati the applicant was required to produce the tickets to the Platform Ticker checker on demand. But unfortunately the Ticket checker refused to return the ticket for inward journey from Delhi to Guwahati to the applicant although the applicant requested the platform ticket checker to refund the tickets. However the platform ticket checker refused to return the same. It is pertinent to mention here that at that point of time a tight security was maintained in the Railway Station to avoid insurgency activities. The applicant ^{has} failed to note the ticket numbers for inward journey. However on completion of the said journey the applicant submitted his final bill for adjustment against the said drawal of advance of Rs. 16000/- for LTC advance. It is pertinent to mention here that the applicant could not

Morgan D. Syiem.

furnish the ticket or ticket nos for the inward journey from Delhi to Guwahati as stated above. In this connection it is relevant to mention here that the LTC advance and the ticket nos. for inward journey was recorded in the personal file of the applicant.

4.6 Most surprisingly the Administrative Officer issued the impugned order asking the applicant for refund of the said LTC advance vide letter bearing No. RC(P)3/84 dated 7.2.1997 alongwith interest on the ground that the applicant ^{failed} ~~filed~~ to submit the final bill for adjustment in time as admissible under rule. In this connection it is stated that since the matter relating to the year 1994, as such the applicant ^{was} ~~could~~ not able to furnish the relevant date when he submitted the bill but the same was pointed out only in the month of February, ~~December~~, 1997. However, after receipt of the said impugned letter dated 7.2.97 the applicant submitted a representation on 27.2.1997 addressed to the Director ICAR Research Complex for NEH Region, Shillong where he has categorically stated that he had submitted the photographs as an documentary evidence stating therein that the ticket for inward journey could not be furnished as the same was collected by the Platform Ticket checker as stated above. After receipt of the said representation the authority remained silent and the applicant was under the impression that the authority might have considered his case but most surprisingly the Administrative Officer vide his impugned letter bearing No. RC(P)3/84 dated 20.12.99 informed the applicant that the matter has ~~already~~ already been decided in terms of letter dated 7.2.1997 and the applicant was directed to deposit the amount of Rs. 16000/- alongwith

interest within 10 days from the date of receipt of this letter, and thereafter another impugned letter was issued by the Administrative Office vide letter bearing No. RC(P)/3/94 dated 4.5.2000 whereby the applicant is asked to refund of LTC advance of Rs.16000/- alongwith interest of Rs. 2613/- in one lot, failing which the same would be recovered from the salary of the applicant from the month of May,2000, onwards as per rule. The applicant being highly aggrieved by the impugned order of recovery of LTC advance finding no other alternative approaching this Hon'ble Tribunal for protection of his right and for restraining the respondents from making any recovery of LTC advance which was properly utilised by the applicant alongwith his family members, undertook the journey from Shillong to Amritsar. In this connection it is relevant to mention that the applicant against submitted another representation on 6.1.2000 addressed to the Administrative Officer wherein he had stated that he availed the LTC from Shillong to Amritsar and back alongwith his family members in the month of January,1994 and also quoted the reference of letter dated 27.2.97. The applicant further stated that he could not submit the LTC bill within the stipulated time. The applicant stated that after drawal of advance for LTC for the block year 1990-93 necessary documents were submitted by him in terms of circular dated 12.6.1987. It is also stated that the contention of the respondents that the applicant had failed to submit the LTC bill against the advance of Rs.16000/- does not arise and the direction for refund of of the whole amount does not arise as he had since performed the journey from Shillong to Amtirsar and back. However,

the applicant also stated that if there is any shortages in LTC Bill the excess amount drawn by him may be allowed to refund, but no action has been taken by the respondents on the representation dated 6.1.2000 submitted by the applicant rather the impugned order dated 4.5.2000 has been issued by the respondents asking the applicant to refund the amount of Rs. 16000/- along with interest of Rs. 2613/-. This action of the respondents is highly arbitrary, illegal and unfair in as much as the applicant had submitted the bill and other documentary evidence in connection with the entire journey from Shillong to Amtrisar and back. As such the impugned orders are liable to be set aside and quashed.

Copy of the impugned orders dated 7.2.97, 20.12.99 and 4.5.2000 and representations dated 27.2.1997 and 6.1.2000 are annexed as Annexures- 1, 2, 3, 4 and 5 respectively.

4.6 That your applicant begs to state that the final bill against the said advance of Rs. 26000/- was submitted on completion of the return journey long back in the year 1994 as such no detail particulars could be furnished by the applicant. Therefore Hon'ble Tribunal be pleased to direct the respondents to produce the relevant records as well as the bill submitted by the applicant and the personal file of the applicant where entries were made relating to LTC advanced was sanctioned to the applicant for the block year 1990-93 before the Hon'ble Tribunal for perusal.

It is categorically stated that since the applicant submitted the bill although he had failed to submit the

Morgan D. Syiem,

tickets and ticket nos for inward journey i.e. from Delhi to Guwahati therefore entire advance granted to the applicant cannot be asked to refund without settling the bill for which detail particulars for outward journey are available with the authority. It is relevant to mention here that detail particulars of the ourward journey as well as other particulars regarding inward journey was also submitted before the Administrative Officer by the applicant. As such it is duty of the respondents to settle the bill and the same cannot be rejected only on the technical ground that the bill was not submitted with the time limit. It is also stated that necessary entries were made in the relevant register which are available with the respondents regarding his stay alongwith family members in Farmer's Hostel, Delhi. As such the claim of the ^{applicant} cannot be rejected as bogus. more so, when the applicant submitted the other documentary evidence relating to his journeys to the respondents. Therefore Hon'ble Tribunal be pleased to direct the respondents to settle the claim of the applicant and further be pleased to declare that the respondents are not entitled to make any recovery from the pay and allowances of the applicant at this belated stage. If the respondents are permitted to recover the amount of Rs.16000/ which was drawn as LTC advance for the block year 1990-93 in the year 1994 the applicant will face irreparable financial loss and the same will also cause hardship to the applicant and his family members.

4.7 That this application is made bona fide and for the cause of justice.

Mogya D. Sjiem.

5. Grounds for felief(s) with legal provisions.
- 5.1 For that the applicant was granted LTC advance for the block year 1990-93 in full only on production of Railway tickets for to and fro journeys as such the detail particulars and other documents are available with the respondents.
- 5.2 For that the applicant submitted necessary documentary evidence after completion of journeys availing the Leave Travel Concessions for the block year 1990-93 although he failed to submit the tick nos. for inward journey but documentary evidences were submitted before the authority for adjustment the advance of LTC advance.
- 5.3 For that the respondents did not settle the final bill of LTC of the applicant on the ground that the bill was not submitted within the stipulated time period.
- 5.4 For that the applicant submitted necessary documentary evidence regarding his journeys after drawal of LTC advance for the block year 1992-93.
- 5.5 For that the applicant was informed regarding non-settlement of LTC bill only in the month of February 1997, thereafter he submitted representation dated 27.2.97 but the authority remained silent even after receipt of the representation of the applicant but suprisingly after a lapse of two years i.e. in the mont of December 99 the applicant was again informed regarding non-submission of LTC bill in time and directed to refund

Morgan D. Syiem,

the whole amount of LTC advance only on the ground that the bill was not submitted within the stipulated time after a lapse of several years.

4.6 For that the recovery of LTC advance without settling the final bill will cause immense hardship to the applicant and to the family members.

6. Details of remedies exhausted.

The applicant begs to state that there is no other remedy available before the applicant under any rule, than to filing this application before the Hon'ble Tribunal. However, the applicant submitted representations before the authority but the same were rejected.

7. Matter not pending before any other Court/Tribunal.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court of law or any other authority or any other Bench of the Tribunal and/or any such application, writ petition or suit is pending before any of them.

8. Relief(s) sought for :

Under the facts and circumstances of the case the applicant prays that Your Lordships may be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s) :

Morgan D. Syiem

- 8.1 That the impugned orders of recovery issued under letter Nos. RC(P)3/84 dated 7.2.1997, RC(P)3/84 dated 20.12.99 and RC(P)3/84 dated 4.5.2000 (Annexures-1, 2 and 3) be set aside and quashed.
- 8.2 That the Hon'ble Tribunal be pleased to declare that the respondents are not entitled to make any recovery without settling the final bill of LTC for the block year 1990-93 submitted by the applicant with documentary evidences.
- 8.3 Costs of the Application.
- 8.4 Any other relief/reliefs to which the applicant is entitled to under the facts and circumstance of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. Interim Relief(s) prayed for :

During the pendency of this application, the applicant prays for the following relief(s) :

- 9.1 That the impugned orders of recovery of LTC Advance of Rs.16000/- for the block year 1990-93 issued under letter Nos. RC(P)3/84 dt. 7.2.97 (Annexure-1), RC(P)3/84 dated 20.12.1999 (Annexure-2) and RC(P)3/84 dated 4.5.2000 (Annexure-3) be stayed till disposal of this application or the respondents be directed not to make any recovery of LTC advance stated above till disposal of this application.

Morgan D. Syiem

25

10.

That this application has been filed through
Advocate.

11. Particulars of Postal Order.

i.	I.P.O.No.	: 06 497314
ii.	Date of Issue	: 01-06-2000
iii.	Issued from	: G.P.O., Guwahati.
iv.	Payable at	: G.P.O., Guwahati.

12. Details of Enclosures

As stated in the Index.

Rayan D. Syiem,

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

I, Sri Morgand Syiem, son of Sri Dufferine Basaiaw, aged about 46 years, working as Tech. Officer (T-5), in the office of the office of the Division of Library, India Council of Agricultura Research Complex for NEH Region, Umiam, Barapani, Meghalaya, applicant in this Original application do hereby verify and declare th t the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice which I believe to be true and I have not suppressed any material fact.

And I sign this verification on this the 6th day of May, 2000.

Morgan D. Syiem

Signature

Indian Council of Agricultural Research
ICAR Research Complex for N.E.H. Region
Umro Road, Barapani-793103, Meghalaya

No. RC(P)3/84

Dated Barapani, February 07th 1997

ORDER

In continuation to this Office Order No. RC(P)3/94 dated 12th January, 1994 Shri M.D. Syiem, T-5 of this Complex Hqrs. Barapani is hereby requested to refund the LTC advance of Rs. 16,000/- (Rupees sixteen thousand) only in one lot alongwith interest which was sanctioned in favour of him being the 4 yearly LTC for the block year 1990-94 since he failed to submit the adjustment of his final LTC in time as admissible under rules.

This issued with the approval of Director and concurrence of Finance & Accounts Officer and Asstt. Administrative Officer (Estt.).

Sd/- Illegible

20.2.97

Administrative Officer

To
Shri M.D. Syiem, T-5,
Library
ICAR....Barapani.

Copy for information & necessary action to :

1. Asstt. Administrative Officer (Estt.) ICAR Research Complex for NEH Region, Barapani. He may please work out the amount of interest against the advance drawn by Shri M.D. Syiem, and the same may be informed to the incumbent concern. Necessary action may also please be taken to recover the amount accordingly.
2. Finance & Accounts Officer, ICAR Research Complex for NEH Region, Barapani.

*Advised
to Dir
Adm.*

Moga D. Syiem,

*Let
12.1.94*

28

Annexure-2

Indian Council of Agricultural Research
ICAR Research for N.E.H. Region, Umroi
Road, Umiam, Meghalaya.

No. RC(P)3/84

Dated 20.12.99

To

Shri M.D.Syiem,
Technical Officer (T-5)
Division of Library, ICAR Research Complex
for N.E.H. Region, Umiam.

Sub : Refund of LTC advance drawn vide sanction order
No. RC(P)3/84 dated 12.1.1994-reg.

Ref : Your letter Dated 27.2.97.

With reference to above, you are hereby informed that the matter had already been decided/conveyed vide this office Order No. RC(P)3/84 dated 7.2.1997 (Copy enclosed). You are, therefore requested to deposit the said amount of Rs.16,000/- along with interest on or before 10(ten) days of receipt of this letter.

This issues with the approval of the Director.

Yours faithfully,

Sd/- Illegible 20.12.99

Administrative Officer

Copy forwarded for information & necessary action to :-

1. Finance & Accounts Officer, ICAR Research Complex for NEH Region, Umiam.
2. Asstt. Administrative Officer (E), ICAR Research Complex for N.E.H. Region, Umiam, This has a reference to this office order No. RE(P)3/84 dt. 7.2.1994.

*Deveshwar
A.O.
Adm.*

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD, UMIAM, MEGHALAYA

No. RC(P)3/84

Dated 4th May 2000.

O R D E R

In continuation to this office letter of even number dtd. 20.12.99, Shri M.D. Syiem, Tech. Officer (T-5) of this complex Hqrs. Umiam is hereby informed to refund the LTC advance of Rs. 16,000/- which was sanctioned for the 4 yearly LTC 1990-93 vide order No. RC(P)3/84 dated 12.1.1994 alongwith interest of Rs. 2613/- in one lot failing which the same would be recovered from his salary from the month of May 2000 onwards as per rules.

This issues with concurrence of F.A.O. and approval of the Director.

Sd/- Illegible 4.5.2000
(M.J.Kharmawphlang)
Administrative Officer

To
Shri M.D.Syiem, Tech. Officer (T-5)
Division of Library,
ICAR Research complex for N.E.H. Region,
Umiam.

Copy forwarded for information & necessary action to

1. Asstt. Administrative Officer (E), ICAR Research complex for N.E.H. Region, Umiam, Recovery may be started from the month of May 2000 with an intimation to the incumbent concerned from his end.
2. Finance & Accounts Officer, ICAR Research Complex for N.E.H. Region, Umiam.

*Accepted
Sd/-
Adm*

Annexure-4

To

The Director,
ICAR Research Complex for
N.E.H. Region,
Umroi Road

Dated the 27.2.1997

Sub : Refund of LTC advance - regarding.

Sir,

With reference to your order No. RC(P)3/84 dated 07.02.1997, I have the honour to lay a few lines for favour of consideration.

That Sir, I had applied for an LTC to Amritsar along with my family on January 1994 and the same had been visited accordingly.

That Sir, I had bought the ticket for onward journey from Shillong to Delhi Gauhati amounting to Rs.8000/- (Rupees eight thousand) only, in which the proof of the ticket had been submitted to the Administration and the same is kept in my personal file.

That Sir, while returning back to Shillong on reaching Gauhati Railway station, the TTE/checker took away the ticket without returning to me; the reason is due to heavy underground operations in Assam.

That Sir, I had also submitted the photograph vide circular No. RC(g) 27/67 dated 12.6.87, which clearly indicated that I had visited the place along with my family members.

That Sir, if necessary to refund only the return ticket may be considered, which should be lenient and minimum so that my family will not suffer.

Thanking you,

Yours faithfully,
Sd/- M.D. Syiem

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD, UMIAM 793103

Dated Umiam, the 6th January, 2000

To

The Administrative Officer,
ICAR Research Complex for NEH Region,
Umroi Road, Umiam-793103

Sub : Refund of LTC Advance drawn vide sanction Order
No. RC(P)3/84 dated 12.1.94.

Madam,

Kindly refer to your letter No. RC(P)3/84
dated 20.12.99 on the subject mentioned above and in
this regard I am to submit as follows :

That it is a fact that I had availed LTC to
Amtitsar along with my family on January 1994. Due to
the fact as already stated by me in the letter dated
27.2.1997, I could not submit the final LTC bill in
time. However, performance of LTC had been done by me.
Proof of which have~~x~~ already been furnished to you,
according to your circular No. RC(G)27/87 dated 12.6.87.
Your contention that I have failed to submit the final
LTC bill does not arise and in fact, the whole amount of
LTC bill drawn by me may not be directed to deposit back
since I had already performed the journey. However, if
there is any shortage of the amount in my LTC bill, the
excess amount drawn by me may be refunded.

Yours faithfully,

Sd/- M.D. Syiem

(M.D.SYIEM)

Technical Officer (T-5)
Library Section

केन्द्रीय प्रशासनिक न्यायालय
 Central Administrative Tribunal
 14 FEB 2001
 गुवाहाटी न्यायपीठ
 Guwahati Bench

Filed by :
 Binod Chandra Das
 Advocate : 32
 14.2.2001

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

ORIGINAL APPLICATION NO. 176/2000

Sri Morgan Syiem Applicant.
 - Versus -
 Union of India & Others. . . . Respondents.

The Respondents No. 2 and 3 beg to file their
 Written Statement as follows :-

- 1) That all the averments and submissions made in the Original Application are denied by the answering Respondents save what has been specifically admitted herein and what appears from the records of the case.

- 2) That with regard to the statement made in paragraph 1 of the Original Application (hereinafter referred to as the O.A.) the answering respondents beg to state that the Order of recovery of L.T.C. Advance were absolutely correct and were on the basis of the existing rules for the adjustment of L.T.C. Advance. The applicant did not care to follow the instruction issued to him while sanctioning the L.T.C. Advance, regarding performing the journey and submission of final L.T.C. bill. The applicant had drawn Rs. 8,000/- on 18.1.1994 as 50% of advance sanctioned vide Order No. RC(P) 3/84 dated 12.1.94 and

contd... p 2.

2.

remaining amount of Rs. 8,000/- on 11.2.1994 vide Order No. RC(P) 3/84 dated 4.2.94. The applicant was further instructed to start onward journey within 15 days from the drawal of advance, whereas the reservation of the tickets was for 4.3.94. The applicant was to adjust the advance within 30 days after completion of the return journey failing which the entire amount will be recovered in lump sum. But as per the final bill submitted, the applicant had completed the return journey on 14.3.94, but submitted the final bill on 20.3.95 after the stipulated time limit.

The applicant as per ~~the~~ his request dated dated 6.12.1993 was granted 9 days Earned Leave w.e.f. 10.1.1994 to 18.1.1994 with the permission to prefix 8th and 9th January, 1994 being second Saturday and Sunday vide Order No. RC(P) 3/84 dated 12.1.1994. However the applicant submitted the journey-cum-reservation tickets for undertaking the onward journey on 4.3.1994 for drawal of remaining 50% advance sanctioned to him. It is pertinent to mention here that the applicant did not alter his leave already sanctioned to him w.e.f. 10.1.1994 for availing L.T.C. w.e.f. 4.3.94. Besides the applicant even failed to submit the Xerox copies of tickets or mention the ticket numbers for onward journey or to indicate the Class in which he has performed the onward journey.

A copy of the final bill dated 20.3.95 is annexed hereto and is marked as Annexure - I.

3.

3) That with regard to the statement made in paragraphs 2 and 3 of the O.A. the answering respondents beg to state that it is upto the applicant to prove the veracity of the statement made therein.

4) That with regard to the statement made in paragraphs 4 and 4.2 of the O.A. being matters of record of the case the answering respondents have no comments to offer.

5) That with regard to the statement made in paragraph 4.3 of the O.A. the answering respondents beg to state that after withdrawal of the first 50% of L.T.C. advance on 18.1.1994 the applicant submitted his railway tickets for his onward journey on 1.2.1994. Accordingly the rest 50% was released vide Order No. RC(P) 3/84 dated 4.2.94 which was drawn on 11.2.1994.

6) That with regard to the statement made in paragraph 4.4 of the O.A. the answering respondents beg to state that the contention of the applicant is that he performed the journey from Shillong to Amritsar in the month of January, 1994, whereas, the documents produced to the office reveal that the tickets purchased was for 4.3.1994 for his onward journey from Guwahati to Delhi. Hence, it is a question of doubt as to how the applicant performed the journey in the month of January, 1994 when the tickets were purchased for March, 1994.

4.

Furthermore, the contention of the Applicant was that he made the necessary entries in the relevant register in the Indian Agricultural Research Institute Farmers Hostel. But while submitting the final bill no date and period is indicated or whether the entries were made in the month of January, 1994 or March, 1994. As per norms receipts for the period stayed in the Indian Agricultural Research Institute Farmers Hostel is issued to the incumbent by the hostel authority. But no such document or receipts have been enclosed along with L.T.C. final bill or with the application by the applicant.

A copy of the railway ticket from Guwahati to Delhi on 4.3.94 is annexed hereto and is marked as Annexure - II.

7) That with regard to the statement made in paragraph 4.5 of the O.A. the answering respondents beg to state that the applicant was very well aware that at least ticket number was required for verifying the authenticity of performing the journey since he has been holding very responsible post right from the initial appointment, it should have been in his knowledge to record the number of the tickets. It is evident that from the main subject matter is L.T.C. advance the same automatically recorded in the personal file, and if the ticket number of inward journey could have been recorded then the applicant could at least mention in his so called final bill, but which he did not submit along with his final bill.

5.

8) That with regard to the statement made in paragraph 4.6 of the O.A. the answering respondents beg to state that when the applicant did not submit the final bill for L.T.C. Block year 1990-93 extended upto 1994 within the stipulated time limit i.e. within 30 days after completion of inward journey and could not produce the copies of the tickets mention the ticket numbers even for inward journey, the office had to issue the orders for refunding the entire advance alongwith interest to observe the rule position on the subject. In the sanction order dated 12.1.1994 it was clearly indicated regarding submission of final bill for L.T.C. i.e. within 30 days after completion of journey. The applicant completed his inward journey on 14.3.1994 and as per rule he should have submitted the final L.T.C. Bill for adjustment latest by 13.4.1994 i.e. within 30 days, but he submitted the final bill only on 20.3.1995 after more than a year. The representation dated 27.2.1999 and 6.1.2000 was examined but the same could not be found satisfactory by the competent authority and that was communicated to the applicant with the direction to refund the advance alongwith interest vide No. RC(P) 3/84 dated 20.12.99 and 4.5.2000 failing which the amount will be recovered from his monthly salary of May, 2000. The office has to issue the orders for refunding the entire advance alongwith interest to observe the rule position on the subject.

Copies of the order dated 12.1.94 and the Rules are annexed hereto and are marked as Annexures - III & IV respectively.

9) That the grounds taken in the Original Application are no grounds in the eye of law to challenge as the applicant has miserably failed to produce the documentary evidence in support of his journey and regarding the entries made in the Farmers Hostel during his halt there. It is the duty of the concerned official to issue money receipts to the persons after their check-out from the Hostel. As such, the claim of the applicant cannot be considered and he is liable to refund the entire advance along with interest.

10) That under the facts and circumstances stated above it is respectfully submitted that the applicant is liable to refund the L.T.C. advance with interest accrued thereon.

VERIFICATION

7.

VERIFICATION

I, Dr. Narendra Deo Verma, Son of Munilal Verma, aged about 57 years, presently working as Director, I.C.A.R. Research Complex for N.E.H. REGION do hereby verify that the statements made in paragraphs 1, 3, 4, 5 and 7 of the written statement are true to my knowledge and those made in paragraphs 2, 6, 8 and 9 being matters of records of the case are true to my information derived therefrom which I believe to be true and those made in paragraph 10 is based on legal advise. I have not suppressed any material facts.

Date : 29 XII 2K
Place : Guwahati.

Narendra Deo Verma

Director
अनु. प.-उ. पूर्वी पर्यतीय अनुसंधान परिसर.
ICAR Research Complex For N.E.H. Region.
उमियम, मेघालय
Umiam, Meghalaya

dt. Baripani, the 20.3.95.

- 8 - 39

To

The AAO (~~Admn~~) (Admn)

ICAR, Baripani
(through proper channel)

Subj: - Final LTC Bill - regarding.

Sir, I am submitting a final LTC bill for the back year 1991/92 to 1994 for your necessary action and information.
Thanking you.

Yours faithfully

Jalid Basipani
the 20.3.95

[Signature]

M. D. S. ICM
T.S. Technical Officer
Library Section.

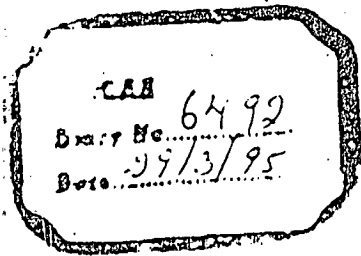
A.A.O. (Admn)

Forwarded from a/c of Mr. M. D. S. ICM

M. D. S. ICM
24.3.95

Supdt (A) / M.E.
P.R. verified & put up.

25/3/95
K. S. S. ICM
27/3



Travelling Allowance Bill of Establishment of

27-
-9-40

Name and designation	Head-quarters	Actual Paid Conveyance and Horse Allowance & fixed Travelling Allowance	Particulars of journey and bills							Kind of journey (to be Road, Rail, Mail or ordinary)	Mileage by Road or Railway or actual expenses					
			Departure		Arrival		Purpose of journey	Means of conveyance	Actual fare paid		No. of Miles	Rate				
			Station	Date	Station	Date							Hour	Hour		
M. D. Srinivas T.S. Technical Officer - Library	Sholing		Mambai	12/24	6 am	Police Bazar	12/26	7 am		Road		50				
			Police Bazar	do	7 am	Sholing	do	11 am		do		210				
			Sholing	do	7 (th)	Police Bazar	6/3/24	1 PM		Rail		6600				
			Police Bazar	7/3/24	7 (th)	Sholing	7/3/24	5 PM		Road		2100				
			Sholing	11/3/24	6 am	Police Bazar	11/3/24	5 PM		Road		2100				
			Police Bazar	12/3/24	7 am	Sholing	12/3/24	1 PM		Rail		6600				
			Sholing	do	2 (th)	Sholing	do	6 am		Road		210				
			Police Bazar	12/3/24	6 am	Sholing	do	7 am		do		30				
					Share fare charge at Sholing & Amritgar									300		

* Travelling by road includes travelling by sea or river in a steam launch or in any vessel other than a steamer and in case where the Steamer Company has two rates of fares, one inclusive and one exclusive of diet, the word) If there is a combined appropriation for Travelling Allowance of Gaietted and Non-Gaietted Government serv

Week year 1989/90 to 1993/94.

-28- -10- 155

1st month of March 1994

No. T.R. 25 (I)

Boat or	Transportation charges of Personal effects					Railway/Steamer/Air Fare		Daily Allowance		Total cost of each line	Remarks		
	Amount	Weight	Rate	Distance	Amount	Class in which actually travelled	No. of fares	Amount	No. of day			Rate	Amount
16	17	18	19	20	21	22	23	24	25	26	27	28	
						6	30	00			30	00	Forward journey
						6	210	00			210	00	Ticket & Bill
						6	6600	00			6600	00	Administration
						6	2400	00			2400	00	admission
						6	2400	00			2400	00	Inward Return
						6	2400	00			2400	00	journey ticket
						6	6600	00			6600	00	issued to T.T. at
						6	210	00			210	00	Gauhati Railway
						6	30	00			30	00	Station
											300	00	
Rs. 18,780.00													
Advanced taken												Rs. 16,000.00	
Balance												Rs. 2,780.00	

Forward journey
Ticket & Bill
Administration
admission
Inward Return
journey ticket
issued to T.T. at
Gauhati Railway
Station
Hyier
20/3/95

Undisbursed Travelling Allowance refunded on the reverse
Advance of travelling Allowance on tour/transfer adjusted as detailed
Net sum required for Payment

1. Detail (The Particular kind should be specified)
2. Fare to mean 'fare exclusive of diet'
3. Expenditure including this bill
4. Balance

29- (127)

HAPPY JOURNEY		HAPPY JOURNEY	
पंजी. CLASS	पं. सं. प्र. सं. PNR NO	गाड़ी नं. TRAIN NO	दिना. DATE
	310016	5609	04-03-74 1970
JOURNEY CUM RESERVATION TICKET			CCC 98679090
I गुवाहाटी दिल्ली			ABRHI ASSAM EXP /090
I-C GAUHATI DELHI		P.S.Y. 0930	
कोच COACH	सीट/बर्थ SEAT/BERTH	लिंग SEX	उम्र AGE
RC 4/RC	1 M	40	
RC 5/RC	2 F	38	
RC 6/RC	3 F	36	
WL 1/RC	4 F	36	
Rs. Three Nine Three Two Only			3932
BRD AT GHY ON 04-03 AT 20:00			THE FARE SHOWN IS LIABLE TO CHANGE

ANNEXURE - II
-11 JV

HAPPY JOURNEY		HAPPY JOURNEY	
पंजी. CLASS	पं. सं. प्र. सं. PNR NO	गाड़ी नं. TRAIN NO	दिना. DATE
	110021	5609	04-03-74 1970
JOURNEY CUM RESERVATION TICKET			CCC 98679091
I गुवाहाटी दिल्ली			ABRHI ASSAM EXP /091
I-C GAUHATI DELHI		P.S.Y. 0930	
कोच COACH	सीट/बर्थ SEAT/BERTH	लिंग SEX	उम्र AGE
WL 2/RC	5 F	10	
WL 3/RC	6 F	12	
WL 4/WL	1 M	14	
Rs. Two Four Five Zero Only			2500
BRD AT GHY ON 04-03 AT 20:00			THE FARE SHOWN IS LIABLE TO CHANGE

MA.
Pl. Process.
1/2/94

RU(P) 3/84

Dated Barapani, the 12th Jan, 1994

ORDER

Dr./Shri./Smti. M. D. Syiem, T-5 of this Complex Barapani is granted earned leave for 9 days with effect from 10/1/94 to 18/1/94 with permission to prefix 8th + 9th Jan, 94 being and suffix and Saturday 17/1/94 to the leave on private affairs.

He/She would have continued to hold the same post at the same station but for his/her proceeding on leave.

On expiry of leave Dr./Shri./Smti. M. D. Syiem, T-5 resumed his/her duties in the same post and at the same station.

Sanction is hereby accorded to an advance of Rs. Sixteen thousand only 16,000/- (Rupees Sixteen thousand) with family members for the block year 1990-93 for visiting Aaritsar.
The payment shall be made as under :-

- i) on receipt of claim - 50%
- ii) on production of ticket for outward journey - 50%

The onward journey will be undertaken within 15 days of the drawal of the advance and the return journey will be completed within 90 days after the start of the onward journey. The tickets for the onward journey should be produced to the undersigned within one week from the date of drawal of the 1st instalment of the advance. If the onward journey is not performed by the employee the full amount should be refunded forthwith and if the return journey is not completed within 90 days, he will be entitled for the outward journey only.

The advance should be adjusted within one month after the completion of the return journey, otherwise the entire advance will be recovered in lumpsum forthwith. In case, where LTC is availed without drawing advances, the final bill of LTC should be submitted within three month of the return journey falling which the right for reimbursement shall stand forfeited.

Contd/-

If the incumbent is a temporary employee of the Council's service he has to submit a surety bond from a permanent employee of the Council.

The expenditure will be debitable to the Head "1. Establishment charges, 9; Leave Travel Concession" under the budget allotment of Centre/Complex Hqs., for 1993-94 (NP).

For 4 yearly LTC, a photograph of his/her with family members taken at the place of visit must be furnished with the final bill in pursuance of Circular NO.RC(G)27/87 dt. 12/6/87.

Leave salary advance for one month from the date of commencement of leave is also granted to Dr./Shri./Smti. _____

M. J. Harimawphilang

(M.J. HARIMAWPHILANG)
ASST. ADMINISTRATIVE OFFICER (ADM.)

To
Dr./Shri./Smti. M. D. Spear, Lib. Officer FS,
Library Section

ICAR Research Complex for NEH Region, Barapani.

Copy for information and necessary action to :-

1. Finance and Accounts Officer, ICAR Research Complex for NEH Region, Barapani.
2. Asst. Administrative Officer (Estt.), ICAR Research Complex for NEH Region, Barapani alongwith the advance LTC bill.
3. ~~The Principal Scientist/Scientist I/c, Division of~~
Library Section, ICAR Research Complex for NEH Region, Barapani.

Ac

- 32 -

25

SWAMY'S COMPILATION

ANNEXURE - IV

OF

CENTRAL CIVIL SERVICES

Leave Travel Concession Rules

[Incorporating Orders received up to January, 1999]

- 14 -

MUTHUSWAMY

AND

BRINDA

SWAMY PUBLISHERS (P) LTD.

164, R. K. Mutt Road, Post Box No. 2468, CHENNAI — 600 028

Phone: 493 83 65 Fax: 493 83 63

Delhi Branch:

SWAMY PUBLISHERS (P) LTD.

4855, 24, Ansari Road, Daryaganj, NEW DELHI — 110 002

Phone: 325 92 56 Fax: 328 16 97

YOGAMAYA STORE

KEATINGE ROAD

SHILLONG-793001

☎ 227688, 220833

19-20

any part in the ... Rule 10

XII. GRANT OF ADVANCES

1. Advances are granted to Government servants to enable them to avail themselves of the concession. The amount of such advance in each case will be limited to 80% of the estimated amount which Government would have to reimburse in respect of the cost of the journey both ways.
2. If the family travels separately from the Government servant, the advance may also be drawn separately to the extent admissible.
3. 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 on anticipated absence of the members of the family does not exceed three months or 90 days. If this limit is exceeded, then the advance may be drawn for the outward journey only.
4. If the limit of 3 months or 90 days is exceeded after the advance had already been drawn for both the journeys, one-half of the advance should be refunded to Government forthwith.
5. Advances to temporary Government servants are sanctioned subject to production of surety of a permanent Government servant.
6. Advances are sanctioned by the Head of Office.
7. Normally, the advance should be refunded in full if the outward journey is not commenced within 30 days of the grant of advance. In case of Journeys by rail, advance can be drawn sixty days before the proposed date of the outward journey. In all cases, the Government servant should produce railway or bus tickets within ten days of drawal of the advance.—Rule 15 (v).
8. The claims in adjustment of the advance should be preferred within one month of the completion of the return journey, if advance has been drawn and within three months if no advance has been drawn.—Rules 14 and 15 (vi).
9. Separate advances for different batches may be adjusted by separate claims. A consolidated advance should, however, be adjusted in a single bill.
10. In the case of an officer on deputation who avails of LTC immediately on reversion but before joining his parent office, the borrowing department may grant the advance in consultation with the lending

* 90% as per G.F.R. Incongruity not yet rectified by Government.

department and endorse a copy of the order to the lending department to enable them to watch the adjustment of the advance.—Order No. 14.

11. Field Offices should maintain a register of LTC claims. The register should be closed monthly in the last week and put up to the Head of Office for obtaining orders in regard to recovery of outstanding advances due for adjustment. (Pro forma of the Register available in Order No. 29).

12. If the conditions laid down in the sanction are not complied with or if the rules for granting advances for LTC have been violated, the Head of Office should charge penal interest, i.e., 2% above the rate of interest allowed by Government on Provident Fund balances.—Order No. 29.

XIII. WHAT THE GOVERNMENT SERVANT SHOULD DO

1. He should ensure that his home town is correctly indicated in his service records. Otherwise he should take action to have his home town entered therein.

2. Whenever he intends to avail of the concession under this scheme, he should inform the Controlling Officer before commencement of the journeys.

3. When he intends to avail of the concession to visit "anywhere in India" by himself or by any member(s) of his family, he should declare the intended place of visit to the Controlling Officer. The official and/or member(s) of the family must visit that place to become eligible for reimbursement of the claim.

4. If there is any change in the intended place of visit, he should intimate the same to the Controlling Officer before the commencement of the journey.

5. He should produce evidence of his having actually performed the journey, for example, serial numbers of railway tickets, etc.

6. If he takes an advance under this scheme he should ensure that the outward journey is commenced within 30 days from the date of grant of the advance, or refund the full advance. In case of journeys by rail advance can be drawn sixty days before the proposed date of outward journey. In all cases, railway/bus tickets should be produced within ten days of drawal of the advance.

7. He should see that half the advance is refunded if the period of absence exceeds 90 days.

8. He should prefer the bills adjusting the advance taken within one month from the completion of the return journey. In all cases, the claim will stand forfeited or deemed to have been relinquished if the same is not preferred within three months of the return journey.

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Central Administrative Tribunal
11 SEP 2001
गुवाहाटी ब्याच
Guwahati Bench

*Filed by Mr. [unclear]
Applicant through
Advocate Mr. G. N. Chakravarty on 11-9-2001*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

In the matter of :

O.A. No. 176 of 2000

Shri M.D. Syiem

-vs-

Union of India & Ors.

And

In the matter of

Rejoinder submitted by the applicant in reply to the written statement submitted by the Respondent Nos. 2 and 3.

The applicant above named most humbly and respectfully begs to state as under :

1. That your applicant categorically denies the statements made in paragraphs 2,3,6 and 7 of the written statement and further begs to ~~state~~ ^{state} that the allegation made in paragraph 2 of the written statement wherein it is alleged that the applicant did not care to follow the instructions is misleading. It is relevant to mention here that after completion of journeys in both ways, the applicant made several attempt in the Guwahati Railway Station to trace out the number of inward journey tickets but did not find any favourable response from the Railway Authorities even after repeated personal approach, but in the process, the submission of final adjustment bill is delayed. But the Respondents also in their written statement admitted that the final adjustment bill was submitted by the applicant on 20.3.1995 in paragraph 2 of the written statement, therefore contention of the respondents that the final bill has not been submitted is wrong. It is fairly admitted by the applicant that

there may be mistake of dates but it is established beyond all doubts that he had performed the journey along with his other family members on availing Leave Travel Concessions for the Block Year 1990-1993. It is further submitted that the journey has been performed by the applicant with the specified time limit of 90 (Ninety) days in terms of order dated 12th January 1994. It is pertinent to mention here that due to tight law and order situation prevailing at the relevant time at the Guwahati Railway Station the Platform Checker did not return the tickets to the applicant and his family members for the inward journey which is beyond control of the applicant, and taking advantage of this situation it would not be fair on the part of the respondents to ask the applicant to refund the entire LTC advance drawn by the applicant with interest. It is contrary to law. In this connection it is relevant to mention here that the applicant while submitted the final adjustment bill, he had also submitted some photographs as a documentary proof that he had visited Amritsar along with other family members during the year 1994.

It is also relevant to mention here that the entry Register for visitors of Farmer Hostel, New Delhi is very much available with the respondents for the Calendar year 1994, therefore there is no difficulty on the part of the respondents to make further verification of the correctness of the statement of the applicant that he had stayed along with his other family members in the Farmers Hostel in New Delhi on the way to Amritsar. It is also not fair on the part of the respondents to paralise the applicant for non-submission of inward ticket numbers that too for a reason which is beyond control of the applicant.

It is relevant to mention here that the applicant very recently wrote a letter addressed to the Scientist in charge Farms Hostel IARI, New Delhi on 3.9.2001 with a request to issuance of Certificate in respect of their stay in Farmer Hostel, during the year March 1994 and the same is sent through SPEED POST.

A copy of the letter dated 3.9.2001 is annexed as **Annexure-6**.

2. That your applicant categorically denies the statement made in paragraphs 8,9 and 10 of the written statement and further begs to state that the reason of delay in submission of final adjustment bill has already been explain in preceding paragraph, along with interest does not arise, in the facts and circumstances stated above.

In view of the submissions made above and also considering the peculiar facts and circumstances of the case, the Original Application is deserves to be allowed with costs.

VERIFICATION

I, Sri Morgan D. Syiem, son of Dufferine Basaiawmoit, aged about 45 years, applicant in O.A. No.176 of 2000, do hereby verify and declare that the statements in paragraphs 1 and 2 made in this rejoinder are true to my knowledge and the rests are my humble submission before the Hon'ble Tribunal and I have not suppressed any material fact.

And I sign this verification on this the 11th day of September, 2001.

Morgan D Syiem.

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To,

The Scientist Incharge,
Farmers' Hostel,
Indian Agricultural Research Institute,
New Delhi-110 012.

Sub:- Prayer for issuing a Certificate in respect of M.D.Syiem and family members regarding staying in the Farmers' Hostel during the period from March 4-03-94 to 14-03-94 after necessary scrutiny of the entry register.

Respected Sir,

I like to draw your kind attention to the subject cited above and further to state that I need the Certificate as stated above from your Hostel with my family members during the month of 4-03-94 to 14-03-94. After making necessary scrutiny from your end from the entry register to enable me to produce the same to my authority as a piece of evidence regarding availing of LTC advance during the year 1994, as because I would not produce the inward journey ticket number or tickets as the same was taken by the platform checker in Gauhati Railway Station. But the same has not been refunded to me even after repeated demand as the law and order situation was very tied at the eleventh time. Therefore, you are cordially requested to take this much trouble for me to furnish certificate of my stay and my family members in Farmers' Hostel on March 1994, after ascertaining the register the matter may kindly be treated as most urgent. ✓

Thanking you,

Yours faithfully,

M. D. SYIEM 3/9/01

(M. D. SYIEM)

Library & Information Officer

Library & Information Officer
ICAR Research Complex for NEA Region,
Umroi Road, Barapani-783 103,
Meghalaya

*Attest
Advocate*