

30/100

5

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

M.P-98/02 ordersheet Pg-1 to INDEX
Disposed date-04/09/03

O.A.T.A No. 228/02

R.A/C.P No.

E.P/M.A No. 98/03

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SECTION OFFICER (Judl.)

FORM No. 4
(SEE RULE 42)

GENERAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 228/2002
Misc Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicants. Khanir Ali

-Vs-

Respondant(s) Union of India & ORS

Advocate for the Applicant(s) Miss BRA. Sultana

Advocate for the Respondant(s) Mr. A.K. Choudhury Addl. C.S.

Notes of the Registry Date Order of the Tribunal

24.7.2002

Heard Ms. BRA. Sultana, learned counsel for the applicant.

Issue notice on the respondents to show cause as to why the application shall not be admitted.

List on 22.8.2002 for admissions

[Signature]
Vice-Chairman

bb
22.8.02

Heard Mr. B.R.A. Sultana, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the Respondents.

Put up the matter on 9.9.2002 to enable the Respondents to obtain necessary instructions on the matter.

[Signature]
Member

[Signature]
Vice-Chairman

This application is in form
but not in form of combination
Petition. It is filed vide
M.P. No. _____ C.F.
for Rs. _____ vide
IPO/B. No. 576405
Dated 19-7-2002

[Signature]
Dy. Registrar
31/7/02

26-7-02

Notice prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A/D. Vide - D. No - 2077 to 2079 Dtd - 31.7.02.

[Signature]

9.9.02 List again on 19.9.2002 to enable the Respondents to obtain necessary instructions on the matter.


Vice-Chairman

mb

19.9.02 Heard Ms. B.R.A. Sultana learned counsel for the applicant and Mr. A.K. Choudhury, Addl. C.G.S.C. for the Respondents.

No written statement so far filed by the respondents. Application is admitted. Call for records. The respondents are directed to file written statement within four weeks. List on 6.11.02 for orders.


Vice-Chairman

lm

6.11.02

List again on 29.11.2002 to enable the respondents to file written statement.


Member


Vice-Chairman

mb


29.11.02

Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents stated that he has received necessary instruction and he is filing written statement shortly List on 17.12.2002 for orders.



Vice-Chairman

mb


No written statement has been filed.


5.11.02

No. WLS has been filed.


28.11.02

Note of the Registry	Date	Order of the Tribunal
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17.12.02
 W/S submitted
 by the Respondent
 Nos. 1, 2, 3 and 4.


17.12.2002

Heard Miss B.R.A. Sultana, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents.

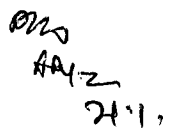
Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents stated that written statement has already been filed. Since pleadings are complete, the matter may now be listed for hearing on 21.1.2003


 Vice-Chairman

mb

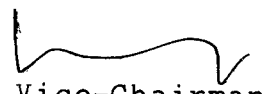
21/1/2003.

Single bench did not sit today. The case is adjourned to 7/2/03.


 21/1

7.2.2003

Put up again on 7.3.2003 for hearing. Mr A.K. Chaudhury, learned Addl. C.G.S.C., to obtain necessary instructions in the matter.


 Vice-Chairman

nkm

7/3

Court did not sit today. The case is adjourned to 21/5/03.




20.5.2003

Copy of the Judgt has been sent to the Dysec. for issuing the same to the applicant as well as to the Addl. C.G.S.C. for the Respond.

2.5.03

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.


 Vice-Chairman

pg

Notes of the Registry

Date

Order of the Tribunal

Notes of the Registry

Date

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / R.A. No. 228 of 2002.

DATE OF DECISION 2-5-2003

Md. Khamir Ali APPLICANT(S).

Miss B.R.A. Sultana ADVOCATE FOR THE APPLICANT(S).

- VERSUS -

union of India & Ors. RESPONDENT(S).

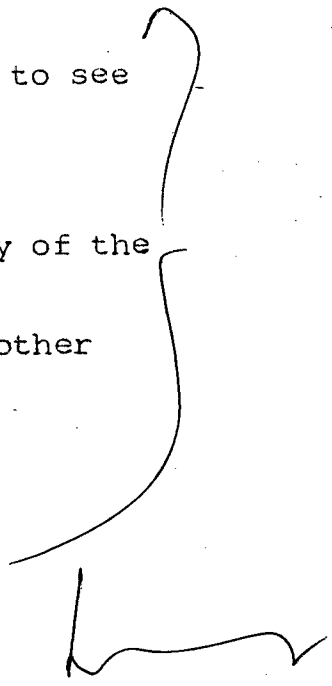
Sri A.K.Choudhury, Addl.C.G.S.C ADVOCATE FOR THE RESPONDENT(S).

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 Ho'ble Vice-Chairman



1

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 228 of 2002.

Date of Order : This the 2nd Day of May, 2003.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

Md Khamir Ali,
Senior Section Supervisor,
Office of the Chief Superintendent,
Central Telegraph Office,
Panbazar, Guwahati-1.

...Applicant

By Adocate Begum Raushan Ara Sultana.

- Versus -

1. Union of India,
represented by the Chief General Manager,
Assam Telecom Circle,
Ulubari, Guwahati-7.
2. Bharat Sanchar Nigam Limited,
represented by the Chief General Manager,
Assam Telecom Circle,
Guwahati-7.
3. The Chief Superintendent,
(at present newly designated
Divisional Engineer),
Central telegraph Office,
Guwahati-1.
4. The Telecom District Manager,
S.R.Bora Lane, Guwahati-7.

...Respondents

By Sri A.K.Choudhury, Addl.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C)

This is the third round of litigation pertaining to entitlement and disbursement of Leave Travel Concession (LTC) for the block year 1986-89, 1990-93 and 1994-1997. This Bench by its order dated 2.4.1997 in O.A.No.178/96 ordered the respondents to consider the claim of the applicant on merit and according to him the respondents by its communication dated 22.8.97 turned down his claim and subsequently the applicant again instituted O.A.No.209/97 which was disposed of by this Bench on 1.2.2000 setting aside the order dated 22.8.97 and directed the respondents to pass fresh orders

contd..2

containing reasons. The respondent No.3 finally by its order dated 4.4.2000 rejected the claim. Hence this application.

2. I have heard Bugum Raushan Ara Sultana, learned counsel appearing for the applicant and also Mr A.K.Choudhury learned Addl.C.G.S.C for the respondents at length. Miss Sultana, learned counsel for the applicant in course of her submission stated that as a matter of fact the claim of the applicant was allowed by the competent authority and to that extent a confidential letter was sent to the respondent No.3 bearing No.A-13/LTC Case/Md.Khamir Ali dated 22.11.2000 with instruction to pass the bills for LTC claim for the block years 1986-89, 1990-93 and 1994-97 but despite that according to Miss Sultana the payment was not made.

3. Mr A.K.Choudhury, learned Addl.C.G.S.C stated that internal communication might have been sent to the department to the concerned authority and on assessment of the fact it is within the jurisdiction of the authority not to pay the same if the same is found not admissible by law.

3. On the basis of the materials on record it is difficult to come to any positive conclusion as to the admissibility or inadmissibility of the LTC claim made by the applicant. Such matter no doubt is to be adjudicated on the basis of factual materials on verification of the materials on record. On consideration of all the aspects of the matter I am of the view that it is a case which requires to be looked into by the competent authority and thereafter ^{to an} ~~take~~ appropriate decision on admissibility. The matter relates to LTC claim of a Government officer pertaining to block years 1986-89, 1990-93 and 1994-97 which requires early resolution. Considering all the aspects of the

matter I am of the view that instead of keeping the matter pending ends of justice will be met if the matter is remitted to the competent authority to look into the whole issue. In the circumstances I also direct the applicant to file a fresh representation indicating all the facts before the Chief General Manager, Assam Telecom Circle, Guwahati within two weeks from today and if such representation is made by the applicant the Chief General Manager shall examine the same and resolve the issue with utmost expedition preferably within two months from the date of receipt of the representation. The Chief General Manager for that purpose may also hear the applicant and other concerned authority and take an appropriate decision as expeditiously as possible preferably within the time prescribed.

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


(D.N.CHOWDHURY)
VICE CHAIRMAN

24/11

10

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

O.A. No. 228 /2002.

Md. Khamir Ali Applicant.

- Versus -

Union of India & Ors. ... Respondents.

I N D E X

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2.	Annexure- 1	11,
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4.	Annexure- III	14,
5.	Annexure- IV	15,
6.	Annexure- V	16,
7.	Annexure- VI	17
8.	Vakalatnama	
9.	Notice	
10.	W/S —	18-35.

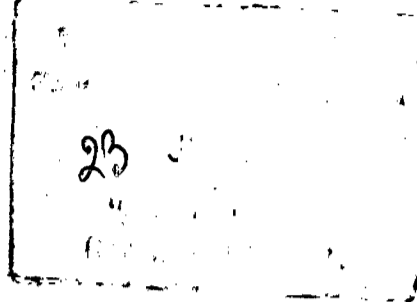
Filed by -

Begum Roushan Ara Sultana,
Advocate.

Date : /7/2002.

Filed by
Begam Roushan
Arif Sultana
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.



Application under Section 19
of the Central Administrative
Tribunal Act, 1985.

Date of filing :-

Registration No.:-

Signature

Registrar.

Md. Khazair Ali

1. PARTICULARS OF THE APPLICANT :

- i) Name :- Md. Khamir Ali
- ii) Designation :- Senior Section Supervisor
- iii) Address for service:- Office of the Chief Superintendent, Central Telegraph Office, Panbazar, Guwahati-1.

2. PARTICULARS OF THE RESPONDENTS:

- i) Name & designation :- 1. The Union of India, of the Respondents. represented by the Chief General Manager, Assam Telecom Circle, S.R. Bora Lane, Guwahati- 7.
2. Bharat Sanchar Nigam Limited, represented by the Chief General Manager, Assam Circle, Ulubari, Guwahati-781007.
3. The Chief Superintendent, (at present newly designated as Divisional Engineer), Central Telegraph Office, Panbazar, Guwahati-781001.
4. The Telecom District Manager, S.R. Bora Lane, Guwahati- 7.
- ii) Office address of the :- As above. Respondents.
- iii) Address for service :- As above. of all notices.

Md. Khamir Ali

contd... 3

3. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE :

Against the recovery order from the salary of the applicant in connection with L.T.C. advance.

4. JURISDICTION OF THE TRIBUNAL :

The applicant declare that the subject matter of the application is within the jurisdiction of this Tribunal.

5. LIMITATION :

The applicant further declare that the application is made within the limitation prescribed in Section 21 of the Central Administrative Tribunal Act, 1985.

6. FACTS OF THE CASE :

a) That the applicant is a citizen of India by birth and at present working as a Senior Section Supervisor under Respondent No.3 and have rendered service for the last long 26 years in the Department of Telecom.

b) That the applicant is entitled to leave travelling concession as per existing rules of his Department and it is constituted after every four years. Accordingly the applicant obtained such L.T.C. within the block year of 1986-89, 1990-93, & 1994-97.

contd... 4

Md. Khawar Ali

In all the blocks, the applicant and his family members undertook took their journey separately and submitted all the bills and payment thereto were made ^{In} all these journeys outgoing journey tickets were submitted before hand and incoming journey tickets were submitted after return alongwith the bills. But it is ^a matter of grievance that the family members of the applicant while undertaking the journey for the block 1990-1993 by depositing outgoing tickets before commencement of journey, could not produce incoming tickets due to theft by micreants in the journey and this fact was well known to all accompanied pilgrims of the departmental cultural troupe. Later, the bills submitted by the applicant in this regard were taken by vigilance and Respondent No.3 started recovery of the amount advanced as LTC and the reason behind the recovery of amount was not communicated to the applicant. But in case of another traveller who faced similar incident in the same journey, the recovery was stayed and the amount recovered from him was refunded, while it was ~~arbitrarily~~ arbitrarily running on in case of the applicant. Later, the applicant came to know that as per instance of the letter dated 13-5-94 and 19-8-94 written by Vigilance, the Respondent No.3 was directed to make recovery of Rs.37,735/- from the salary of the applicant for the block years 1986-1989, 1990-93 and 1994-97.

c) That the applicant states that on 25-4-92 the Respondent No.3 asked the SS/ACS as stating the fact "The LTC advance of Rs.12,135/- drawn in ~~January~~ January '92 may be kept pending from recovery. If the bill not submitted within

contd... 5

Hd. Khawar Ali

10-5-92 the recovery may be effected". The applicant submitted representation on 8-2-95 before the authority on which the Respondent No.1 asked to review the case of the applicant. But it was not done. Then the applicant referred the matter to National Telecom Staff Federation New Delhi and the Secretary General of the Federation wrote to the Respondent No.1 on 29-6-96 requesting to intervene the matter so that different types of treatment were not meted out to the employees. But no action was taken on the representation, letter by the authority.

d) That being helpless the applicant approached the Central Administrative Tribunal with an application vide O.A. No.178 of 1996 and the Hon'ble Tribunal vide order dated 02-04-97 disposed the original Application, directed the Respondents/Competent authority to consider the three claims of the applicant afresh on merit and according to rules and facts after allowing reasonable opportunity of being heard to the applicant.

e) That the Respondents vide order dated 05-06-97 given the applicant an opportunity to show the merit of the case within seven days regarding his LTC bill for the block years 1986-89, 1990-93 & 1994-97. But unfortunately the applicant was not able to submit his reply within stipulated period fixed by the Respondents and on 29-7-1997 he submitted reply. But the Respondent No.3 vide order dated 22-8-97 rejected the three claims of the applicant.

contd... 6

Copy of the order dated 22-8-97 passed by the Respondent No.3 rejecting the claims of the applicant is annexed herewith and marked as Annexure- 1.

f) That being aggrieved with the order dated 22-8-97 passed by the Respondent No.3 the applicant approached this Hon'ble Tribunal vide Original Application No.209/97 and the Hon'ble Tribunal on 01-02-2000 set aside the order dated 22-8-97 of the Respondent No.3 on the ground that the same is not sustainable as it does not contain reasons for rejecting the letter dated 29-7-1997 submitted by the applicant as unsatisfactory and disposed the original Application directing the Respondents to pass a fresh order containing reasons and details and communicate the same to the applicant within two months from the date of receipt of this order.

Copy of the order dated 01-02-2000 passed by the Hon'ble Tribunal in Original Application No.209/97 is annexed and marked as Annexure- II.

g) That the applicant after receiving the certified copy of the aforesaid order dated 01-02-2000 communicated it by representation but the Respondent No.3 vide order dated 04-04-2000 rejected all the claims of the applicant violating the order of the Hon'ble Tribunal.

contd... 7

Mr. Khosroo Ali.

h) That the applicant thereafter preferred another representation on 27-6-2000 to the Respondent No.1 to review his case in the interest of natural justice which is denied by the Respondent No.3 inspite of the clear order of the Hon'ble Tribunal with a prayer to refund the whole recovered L.T.C. advances, to pass the final L.T.C. bills and to stop the recoveries forthwith.

Copy of the representation of the applicant dated 27-6-2000 to the Respondent No.1 is annexed as Annexure- III.

i) That the Respondent No.1 vide order dated 27-09-2000 communicated the applicant that in reference to the representation dated 27-6-2000 his case has been forwarded to the General Manager Telecom Kamrup, Guwahati for settlement of the case at his level.

Copy of the letter No.TTES-64/LTC-K.Ali/2000-2001/3 dated at Guwahati the 27-9-2000 is annexed as Annexure- IV.

j) That after forwarding the case of the applicant for settlement his bills the Chief Account Officer (Cash) O/O the General Manager Telecom Kamrup has directed the Respondent No.3 vide order dated 22-11-2000 in his letter No.A-13/LTC Cash/Md. Khamir Ali dated at Guwahati 22-11-2000 to pass the bills of the applicant after review the case, but later it came to the knowledge of the applicant by the concerned authority of the Respondents that the matter for settlement of the bills of the applicant is pending on the table of the Respondent No.3 for its final decision.

k) That the applicant respectfully beg to state that on 17-5-2002 he preferred another representation reminding the letter dated 27-9-2000 to the Respondent No.1 through Bharat Sanchar Nigam Limited (Respondent No.2) for taking necessary action and steps for passing the bills as early as possible.

Copy of the reminder dated 17-5-2002 of the applicant is annexed herewith as Annexure- V.

1) That it is note worthy to mention herein that the applicant is the leader of All India Telecom Employees Union (N.F.T.E.) and Circle Secretary cum Convenor of Assam Telecom and during the course of his rendering service on behalf of his Union he is actively concerned with the problems and situations of all the officials of the Department and hence he is entitled^{to} get information or communication through corresponding letter regarding his problems from the persons of his concerned Union/staff and hence he know the fact through a corresponding letter from the office of the Respondent No.2 to the officiating General Secretary All India Telecom Employees Union Class-III that the request of the applicant for settlement and passing the L.T.C. bills is not justified as because the Hon'ble Tribunal has not issued any direction to stop the recovery.

Copy of the letter dated 28-11-2001 of the office of the Respondent No.1 is annexed as Annexure- VI.

contd... 9

Hd. Khazir Ali.

m) That it is a matter of serious grievance that in spite of clear order by the Hon'ble Tribunal setting aside the impugned order dated 22-8-97 by the Respondents and directing the Respondents to pass a fresh order on basis of reasons, the authority cruelly recovered the amount with 14% interest from the salary of the poor applicant without applying judicious mind, lawful excuse and principle of natural justice. While this Hon'ble Tribunal has set aside the order dated 22-8-97 passed by the Respondent No.3, the question of the subject about recoveries from the salaries of the applicant would not arise. But the Respondents repeated the same story in their corresponding letters instead of lawful obedience and without applying lawful excuse recovered the amounts and caused serious financial scarcity to the applicant and his large numbered family. The Respondents has misinterpreted the verdict of the Hon'ble Tribunal and has applied it as a wrong and negative perception and this action of the Respondent totally threatens the theme of natural justice of the applicant.

7. RELIEF SOUGHT : Under the premises aforesaid the applicant prays for following reliefs :-

- 1) that the recoveries may be stopped forthwith ;
- 2) that the recovered amount should be refunded back with interest.
- 3) to pass the three final bills of L.T.C.

contd... 10

Md. Khair Ali.

It is, further prayed that in the interim pending ^{decision} ~~direction~~ in the application, the recovery should be stayed.

8. REMARKS EXHAUSTED : The applicant has no other remedy except filing this application.
9. MATTER NOT PENDING WITH ANY OTHER COURT ETC. : The applicant further declares that the matter regarding with this application has been made is not pending in any Court or Tribunal.
10. PARTICULARS OF THE I.P.O. : No. of the I.P.O. 576405
Name of issuing Post Office
19-7-2002
Post Office at which payable.
11. INDEX : An index in details of list of annexures as document is enclosed.
12. LIST OF ENCLOSURES :- As above.

VERIFICATION

I, Md. Khamir Ali at present working as Senior Section Supervisor, Office of the Chief Superintendent, Central Telegraph Office, Panbazar, Guwahati, do hereby verify that the statements made in paras 1 to 12 above are true to my knowledge and belief.

Md. Khamir Ali
Signature.

Govt. of India,
Department of Telecommunications,
Office of the Divisional Engineer, C.T.O. Guwahati.

21

NO. PF/A-6/C. T. LTC/KA/96-97/07 Dated at Guwahati, the 22/8/97

To

Md. Khamir Ali, TOA (TG),
C.T.O. Guwahati-781001.

Sub: LTC Bills for the block year 1986-89, 1990-93
& 1994-97.

The reply as sought for vide this office letter No. PF/A-6/CAT-LTC/KA/96-97/06 dtd. 04-07-97 has not been furnished within stipulated period of 10(Ten) days to reconsider your claims of LTC bills for the block year 1986-89, 1990-93 and 1994-97 in the light of the Hon'ble CAT's judgement.

Moreover, your reply as furnished vide your letter dtd. 29-07-97 is quite unsatisfactory and no explanation justifying your claims towards the above 3(three) LTC cases is offered.

Therefore, all the 3(three) claims towards LTC for the block year 1986-89, 1990-93 & 1994-97 preferred vide LTC bills submitted dtd. 11-12-91, 27-04-92 & 27-04-94 respectively are rejected totally and the amount already ordered for recovery is found to be in order as per departmental rule.

(S. TAIB)
Divisional Engineer,
C.T.O. Guwahati-781001.

Certified to be true copy
Begum Rooshan Ara Sultana
Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 209 of 97

Date of Order: This the 1st day of February 2000

HON'BLE MR. JUSTICE D.N. BARUAH, VICE-CHAIRMAN
HON'BLE MR. G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Md. Khemir Ali.
Telegraph Operating Assistant (TB)
Office of the Chief Superintendent,
Central Telegraph Office
Panbazar, Guwahati-1.

By Advocate Mr. B. Malakar

-Vs-

1. Union of India represented by the
Chief General Manager,
Assam Telecom Circle, S.R. Bora Lane
Guwahati-7.
2. The Chief Superintendent
Central Telegraph Office
Panbazar, Guwahati-1.
3. Telecom District Manager
S.R. Bora Lane,
Guwahati-7.

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R.

G.L. Sanglyine (ADMINISTRATIVE MEMBER):

This application relates to matter of Leave
Travel Concession (LTC for short) for the Block
1986-1989, Block Year 1990-1993 and Block Year
1997. The LTC bills submitted by the applicant
not settled or passed by the competent authority of
the respondents but recoveries of the advances taken
by the applicant were ordered to be made from his
monthly pay bills. The applicant agitated the action
of the respondents by filing O.A. No. 178 of 1996. The
O.A. was disposed of by order dated 2.4.1997 directing
the competent authority of the respondents to consider
the claims of the applicant afresh on merit and accord-
ing to rules and facts after allowing reasonable
opportunity of being heard to the applicant. The
respondents had allowed the applicant opportunity

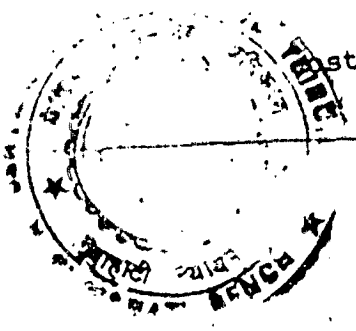
contd/-2

*Certified to be true copy
Begum Rooshan Ara Sultana
Advocate*

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being heard by letter dated.5.6.1997 and letter dated 4.7.1997. The applicant did not avail the opportunity of submitting his case before the respondents within a stipulated period given by them to him in the letter dated.4.7.1997. However, he belatedly submitted his explanation. This was considered by the respondents as unsatisfactory as communicated by the Divisional Engineer C.T.O, Guwahati in his letter dated. 22.8.1997. The applicant has submitted this Original Application. The respondents have contested the application. Hearing has been fixed. Neither the applicant nor his counsel was present. We have heard learned Sr.C.G.S.C., Mr.A. Deb Roy, and perused the Original Application and written statement. We are of the view that the order dated.22.8.1997(Annexure IV to the written statement) is not sustainable as it does not contain reasons for rejecting the application dated.29.7.1997 submitted by the applicant as unsatisfactory. We therefore, set aside the order dated. 22.8.97 and direct the respondents to pass a fresh order containing reasons and details and communicate the same to the applicant within two months from the date of receipt of this order.

Application is disposed of. No order as to costs.



LM

Sd/-VICECHAIRMAN
Sd/MEMBER (A)

TRUE COPY

प्रतिलिपि

[Signature]
Section Officer (A)
अनुमान अधिकारी (अतिरिक्त ताला)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
Guwahati Bench, Guwahati-8
गुवाहाटी बेंच, गुवाहाटी-8

[Signature]
22/2/2000

24

TO

The Chief General Manager
Telecom, Assam Circle
Guwahati - 781007.

(Through ^{the} Proper Channel)

Dated at Guwahati the 27.6.2000

Sub:- Final payment of LTC bills for the Block of 19-86, 89,
1990 - 93, & 1994-97.

Sir,

With respect, I beg to state the following few lines
for favour of your information and necessary action thereon:

That sir, for the block of 86-89, 90 and 94-97.
I preferred the final LTC bills to the Chief Supdt. C.T.O.
Guwahati after performing the journey by my family members.
But the administration did not pass the bills for the reasons
best known to the deptt.

Finally I approached the Hon'ble C.J. Guwahati and
Hon'ble justice of the CAT vide O.A.No. 209 of 1999 duly ordered
the respondents to settle the case within 2 months by get aside
the recovery orders.

But instead of applying the judicial mind by the
Chief Supdt. C.T.O. Guwahati one of the respondents, outrightly
vide his letter No. PF/A-6/CAT-LTC/KA/08 dated. 30.04.2000
rejected the case and started recovering the advances.

In this connection, I request your honour

1. To refund the whole recovered ltc. advances.
2. To pass the final LTC bills.
3. To stop the recoveries forth with.

I hope you will kindly review the matter and natural
justice will be owed to a poor employee of the deptt.

Yours Faithfully

(Md. ... AIA ISSC
C.T.O. ...)

*Received
for ...*

*Certified to be true copy
Biqun Roushan Arz. Sultana
Adroegle*

GOVT OF INDIA
DEPARTMENT OF TELECOMMUNICATION SERVICES
OFFICE OF THE CHIEF GENERAL MANAGER, ASSAM TELECOM CIRCLE
ULUBARI :: GUWAHATI-781 007.

No: TTES-64/LTC-K.Ali/2000-2001/3 Dated at Guwahati the 27.09.2k.

To

Sri. Khamir Ali
SSO CTC/GH

Sub: Settlement /re imbursment of LTC bill claims.

Ref: your representation Dated 27.06.2000.

With reference to your above cited representation on subject it is intimated that the case has been forwarded to C. S. Kamrup Guwahati for settlement of the case at his level.

N.C. Das
(N.C. Das)

Asst. General Manager (IT)

*Certified to be true copy
Begum Roushan Arq Sultan
Advocate*

28

TO

The General Manager,
B.S.N.L Kamrup District
Ulubari Guwahati- 7

(Through the Proper Channel)

Dated at Guwahati the 17.5.2002

Sub:-Settlement of long pending L.T.C bills case of

Md. Kamir Ali Sr. S.S. (D)

Ref:- CGMT's letter NO.TTES-64/LTC-K.AIS/2001/00/03
dated.27.09.2k.

Sir,

Kindly refer to my application dated. 26.3.2001 on
the subject noted above it is once again request of your
good office to take necessary action and steps for passing the
bills at your earliest.

A line of reply in this regard is highly
solicited.

Yours faithfully

Enc:-

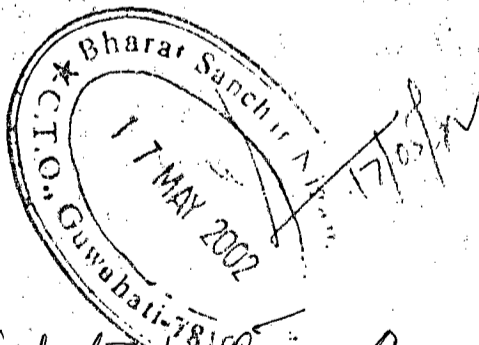
Copy of the letter dated.
26.3.2001

(Md.Khamir Ali) Sr. S.S(D)
L.T.O. Guwahati.

Copy to the :- Chief General Manager, Telecom B.S.N.L.
Ulubari Guwahati for information and necessary
action please.

Yours Faithfully

(Md.Khamir Ali) Sr. SS(D)



Certified to be true copy
Begum Roushan Ara Sultana
Advocate

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ANX VI



भारत संचार निगम लिमिटेड BHARAT SANCHAR NIGAM LTD.
(भारत सरकार का उद्यम) (A Govt. of India Enterprise)

OFFICE OF THE CHIEF GENERAL MANAGER,
ASSAM CIRCLE, ULUBARI, GUWAHATI-781 007.

No.UNST-41/44 Dated at Guwahati, the 28th Nov 2001

To,

Shri R.K.Kohli,
Officiating General Secretary,
A.I.T.E.U.-Class-III,
Dada Ghosh Bhawan,
1, Patel Nagar Road,
(Opp.Shadipur Bus Depot),
New Delhi-110 008.

Sub:- Long pending L.T.C. bills – case of Md.Khamir Ali, Sr.SS(A), CTO, G.I.

Ref:- Your No.E/41 L.T.C. dtd.19.10.2001.

I am directed to refer to this office letter no.UNST-41/1/44 dtd.10.10.2001 wherein it was intimated to you that the request of the official for settlement of LTC bills was re-examined and it was found by GM/Kamrup that the request of the official for passing the bill is not justified and Hon'ble Court has not issued any direction to stop the recovery. Copy of the re-examination report is attached herewith.

This is for your kind information.

(N.C.Das)

Asstt.General Manager(TT)
O/o.the CGMT,BSNL,Assam,
GUWAHATI-7.

-00000-

Authenticated to be true copy
Begum Rowshan Ara Subhana
Advocati

A. VI

18-
Central Administrative Tribunal
DEC 2002
গুৱাহাটী বেঞ্চ
Guwahati Bench

Union of India & ors
through Respondents
Ajay Kumar Choudhury
17.12.02

Adm. Central Govt
Standing Council

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

In the matter of :

O.A. NO. 228 of 2002

Md. Khamir Ali

..... Applicant.

- Vs -

Union of India & Ors.

..... Respondents.

Written Statements for and on behalf of Respondents
Nos. 1, 2, 3 and 4.

I, S.C. Das, Asstt. Director Telecom (Legal),
Office of the Chief General Manager Telecom, Assam Telecom
Circle, Ulubari, Guwahati, do hereby solemnly affirm and say
as follows :

1. That I am the Asstt. Director Telecom (Legal)
in the Office of the Chief General Manager, Telecom, Assam
Telecom Circle, Guwahati and as such fully acquainted with
the facts and circumstances of the case. I have gone through
a copy of the application and have understood the contents
thereof. Save and except whatever is specifically admitted
in this written statement the other contentions and statements
may be deemed to have been denied. I authorised to file the
written statements as behalf of all the respondents.

Contd.....

-19-

-2-

2. That the respondents have no comments to the statements made in paragraphs 1, 2, 3, 4, 5 and 6(a) of the application.

3. That with regard to the statements made in para 6(b) of the application the respondents beg to state that the statement of the applicant that the relevant documents for the block year 1990-93 (i.e. incoming journey) could not be produced by him as these was a theft in the train while returning with the cultural troupe from Hyderabad to Guwahati is not correct. According to the Vigilance report no such theft occurred at that time.

A copy of the Vigilance Officer report is annexed herewith and marked as Annexure-I.

Regarding the case of the other travellers as mentioned by the applicant is not correct. That case is dealt with by the Department on merits.

The applicant's allegation that no communication was made regarding recovery is not correct. The controlling Officer duly informed the applicant regarding the recovery scheduled vide letters No. A-15/ETC/CCRP/94-95 dated 13.5.94 and No . CS/Corr/Vig/94-95, dated 19.8.94.

Copies of letters dated 13.5.94 and 19.8.94 are annexed herewith and marked as Annexures-II and III.

4. That the respondents have no comments to the statements made in paragraphs 6(c) and 6(d) of the application.

Contd.....3/-

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5. That with regard to the statements made in paragraph 6(e) of the application the respondents beg to state that the applicant was given reasonable time to prove the merits of his case vide letter No. PF/A-6/CAT-ITC/KA/96-97/04 dated 05.06.97 by giving 7 days time. However, the applicant vide his letter No. nil dated nil received by the department on 16.06.97 submitted irrelevant matters not confirming to the points raised by the letter referred to above. Further to award natural justice to the applicant the department issued a letter No. PF/A-6/CAT-ITC/KA/96-97/06 dated 04.07.97 to the applicant stating the whole facts to be replied by the applicant within 10 days. But instead of giving proper reply, the applicant referred his previous letter in his letter dated 29.7.97.

On going through the details observation and findings the competent authority has rejected the 3(three) claims in-toto vide letter No. PF/A-6/CAT-ITC/KA/96-97/07 dated 22.8.97.

Copies of letters dated 5.6.97, 16.6.97, 4.7.97, 29.7.97 and 22.8.97 are annexed herewith and marked as Annexures- IV, V, VI, VII and VIII.

6. That the respondents have no comments to statements made in paragraph 6(f) of the application.

7. That with regard to the statements made in paragraphs 6(g) of the application the respondents beg to state that as

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alleged by the applicant the violation of Hon'ble Court order does not arise as the case has been disposed of as per order of the Hon'ble Tribunal order/ Judgement passed on 1.2.2000 in O.A. No. 209/97 by giving a reasoned order vide letter No. PF/A-6/CAT-ITC/KA/08 dated 04.04.20 to the applicant.

A copy of the letter dated 4.4.2000 is annexed herewith and marked as Annexure - IX.

8. That the respondents have no comments to statements made in paragraphs 6(h) and 6(i) of the application.

9. That with regard to the statements made in para 9 of the application the respondents beg to state that in regard to the complaint of the applicant regarding non-settlement of the case by the respondent no.3 does not good as the request letter is not issued by the competent authority.

10. That the respondents have no comments to statements made in paragraphs 6(k), 6(l), 6(m), 7, 8, 9, 10, 11, and 12 of the application.

11. That the applicant is not entitled to any relief sought for in the application and ~~kk~~ the same is liable to be dismissed with costs.

Verification.....

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

I, S.C. Das, Asstt. Director Telecom (Legal),
Office of the Chief General Manager Telecom, Assam Telecom
Circle, Ulubari, Guwahati, being authorised do hereby solemnly
affirm and declare that the statements made in paragraphs
1, 2, 4, 6, 8 + 10 of this written statement are
true to my knowledge, those made in paragraphs 3, 5, 7 + 9
being matters of record are true to my information derived
therefrom and those made in the rest are humble submission
before the Hon'ble Tribunal.

And I sign this verification on this 16th day
of December, 2002, at Guwahati.



(S. C. Das)

Deponent.

सहायक निदेशक दूरसंचार, असम
Assistant Director Telecom (Legal)
कार्यालय, मुख्य दूरसंचार परिसर,
Office of the Chief General Manager Telecom
असम दूरसंचार परिसर, गुवाहाटी-7
Assam Telecom Circle, Guwahati-7

VARIIFICATION REPORT IN RESPECT OF THE LTC BILL SUBMITTED BY SHRI KHAMIR ALI, SG TA C.T.O. GUWAHATI FOR THE BLOCK YEAR 1990-93.

PARTICULARS OF THE COMPLAINT

Shri Khamir Ali, S.G. T.A. C.T.O. Guwahati submitted a LTC Bill for the block year 1990-93 without furnishing any valid documents/prove in support of the journey.

DETAILS OF VARIIFICATION.

The case was forwarded by the DFA, Circle Office, Guwahati for investigation into the case on 3/9/92. As stated by C.S. C.T.O. Guwahati Shri Khamir Ali, S.G. T.A. C.T.O. Guwahati had drawn a LTC Advances of Rs 12,135/- from C.S. C.T.O. Guwahati for LTC journey for the block year 1990-93 for his family member. As stated he purchased a first class railway ticket No. 32400 for six family members (five adult and one minor) for the outgoing journey only by rail to be performed on 13/1/92 from Guwahati to Hyderabad and produced it to the C.S. C.T.O. Guwahati (controlling Officer) for varification. He submitted a final LTC Bill on 2/4/92 for Rs 13,486/- by stating the date of completion of journey as on 26/1/92. In his final LTC Bill (S/1) Shri Khamir Ali neither indicated the incoming journey ticket number from Hyderabad to Guwahati nor enclosed any valid documents which are required to justify/prove the incoming journey. Query was made by the C.S. C.T.O. Guwahati regarding for not indicating his incoming tickets numbers or any valid documents in his LTC Bill. Shri K. Ali stated that the journey was performed by his family members on the return journey in the First Class compartment along with the group of Assam Telecom Cultural Team which was sent from Guwahati to Hyderabad at that time for taking part in the All India Telecom Cultural Meet at Hyderabad held on 17/1/92, and theft case occured in that particular compartment on the way from Hyderabad to Guwahati and all belongings of his family members and other members of Assam Telecom Cultural Team including Railway tickets etc. were taken away by the thieves. This is the reason, argument put forward by Shri K. Ali, as to why he was not in the position to indicate his incoming ticket Nos. in his final LTC Bill (S/2), (S/3 para-3). He also stated that the final bill of all members of Assam Telecom Cultural Team was passed by the Circle Office, Guwahati when they submitted their bills without indicating the incoming

- 7 -

24 - 34

Railway tickets non. without submitting any valid documents of journey. As such Shri Khamir Ali claimed that his LTC bill also should be passed for payments in the same way, though he has not indicated the incoming ticket Nos. or has not submitted any valid documents to prove the journey.

Correspondence were made with the Railway Authority vide this office letter No. Vig/Assam/26/98 dt. 25/9/92. It is also confirmed from the letter No. CRS/Compl/GHY/92 dt. 30/9/92 from the Railway Authority (S/8) that the records are not available with the Railway Authority, as railway authority are maintaining the records upto 6(six) months only.

Team Manager's report of Assam Telecom. Cultural Team is available at S/4-A. His report does not indicate any theft case in the compartment. A statement of Shri Monomohan Mehi, a participant of the Cultural Team is available at S/5. His statement also does not indicate the occurrence of theft case in the compartment and anybody's accompany of any family members of Shri Khamir Ali, with the group of Assam Telecom. Cultural Team to Hyderabad. The statement of A.D.T. (Welfare), Circle Office, Guwahati (S/4) also indicates that no theft case occurred in the compartment, TA Bill of the participants were passed with the supporting documents of photo copy of railway tickets (I/c tickets) which were enclosed with the TA bills as original & I/c tickets were handed over to the railway authority at the railway checked gate at Guwahati. Moreover, the group of the Cultural Team travelled in the 2nd Class compartment only as per Sports rule by taking the Railway tickets for the 2nd class only.

From the above varification, it is clear that LTC journey performed by the family members of Shri Khamir Ali is not correct as it could proved due to the points given below :-

1. No family members of Shri Khamir Ali performed LTC journey along with the group of the Assam Telecom. Cultural Team. This is confirmed from the statement given by Shri Monomohan Medhi (S/5), a participant of the Cultural Team and from the statement of the A.D.T. (Welfare) Circle Office, Guwahati (S/4).

2. No theft occurred in the compartment on the journey from Hyderabad to Guwahati as stated by Shri Khamir Ali. The fact of theft case is not reflected in the report of the Team Manager of Cultural Team (S/4-A) and in the statement of

S/5) of Shri Monomohan Medhi, a participant of the Cultural Team and also theft case in the compartment is denied by the A.D.T.(Welfare) C.O. Guwahati in his statement(S/4).

3. As stated by Shri Ali in his statement(S/2) in connection of the passing of the TA bills of members of cultural team is not correct. All members of the cultural team submitted their TA with the supporting documents. All members enclosed the photo copy of the tickets along with their TA bill as original incoming railway tickets were handed over to the railway authority at the checked gate at Guwahati Railway station(S/4 para-I). Hence the plea, that TA bills of all members of the cultural team are passed without the supporting documents(as stated by Shri Khamir Ali in S/2) is not correct and not acceptable.

4. The accompany of the family members of Ali along with the cultural team is denied by the A.D.T.(Welfare) C.O.GH (S/4 Para-12) in reference to this office letter (S/7). The accompany of family members of Mr. Khamir Ali is not correct which can be confirmed from the statement of Mr. Medhi in his statement (S/5).

5. The stand taken by Shri Ali that his family members undertaken journey in the same compartment with the Cultural team(S/2 para 3&4) is not correct and proved to be fully false, since the Cultural Team travelled only in the 2nd class compartment and whereas Shri Ali claimed the final LTC bill for First Class accommodation only.

6. Further, FIR was not lodged by the family members of Shri Ali or by any member of the Cultural Team in connection of theft case in the compartment on the date as mentioned by Shri K. Ali.

7. Shri Khamir Ali failed to submit his final LTC bill within the prescribed time limit i.e. within one month's time from the date of completion of the Journey.

As such there is no any reason to accept the LTC claim of Shri Khamir Ali as correct. From the above fact, it is confirmed that Shri Khamir Ali submitted a false LTC Bill by any means which failed in all respects in all steps or could not produce any acceptable evidence/reasons in this regard to accept his LTC Bill as correct.

As such it is related with the misappropriation of a huge Departmental money, opinion of the Director(F&A) will be justified in this regard whether the said LTC Bill of Shri K. Ali should be passed for payment or should be recovered fully from the pay of Shri K. Ali by disallowing his LTC claim fully.

Attended
Addl. Central Gov
Standing Counsel

VIGILANCE OFFICER
O/o C.G.M.T. Assam Circle

DEPARTMENT OF TELECOMMUNICATIONS
OF THE CHIEF SUPERINTENDENT C.T.O., GUWAHATI

-26-

No. A-15/LTC/CORR/23 -95

Dated at Guwahati the 13/5/94.

To
Md. Rhamir Ali TOA(TG)
C.T.O. Guwahati.

Subject :- LTC Claims. for the block yr 1994-97.

Your LTC claims for Rs 16,500/- (Rupees sixteen thousand five hundred) only for journey to Trivandrum (Kerala), during 16/1/94 to 28/1/94 submitted on 27/4/94. is rejected on the following reasons.

1. You did not shown the outgoing journey tkts Rly tkts. before commencement of the journey.
2. There were no supporting documents against the journey Rly tickets.

Hence you are directed to refund the LTC Advance taken by you forthwith. Otherwise the same will be recovered from your salary bill in lumsun.

[Signature]
13/5/94

Chief Superintendent.
Central Telegraph office,
Guwahati-781001.

[Signature]
Attested
AK Chandra

Addl. Central Govt
Standing Counsel

Annex-IV

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Govt. of India, Department of Telecommunications, Office of the Chief Superintendent, C.T.O. Guwahati.

NO. VIG/Asst-Vig/26/1003/96-97/94 Dated at Guwahati the 05-06-97

To Mr. Kamal Ali, (P.O.)/13/7 Dated at Guwahati the 05-06-97 C.T.O. Guwahati-761001.

Subj: LTC bill for the block year 1994-97 under CAT Case No. A.C. 178/96. Ref: Your application dtd. 25-04-97 for refund of recovery, etc.

You are granted LTC advance for the block year 1994-97 for declared journey to Chandernagore on 12-01-94 vide this office Memo No. A-15/LTC-Adv/93-94 dtd. 12-01-94 copy of which was acknowledged by you. At the time of granting advance, conditions were given in the above sanctioned memo. The conditions mentioned in the sanctioned memo of the LTC advance had not been fulfilled by you.

Subsequently, you submitted final LTC bill on 27-04-94 showing journey from 16-01-94 to 20-01-94. No. CA-178/96 to Govt. of India.

Your LTC claim for the block year 1994-97 could not be passed and you have intimated the reason thereof vide this office letter No. A-15/LTC/Corr/91-95 dtd. 13-05-94.

Now on review afresh of the case, it is found that there are no grounds to reconsider so that the bill for LTC claim can be passed as directed by CAT order No. A.C. 178/95 case/31 on 11-05-95.

However, you are given an opportunity to show the merit of the case within (seven) days after receipt of this letter on which your LTC bill for the block year 1994-97 can be entertained.

Further, it is to be reiterated that regarding your LTC claims for the block year 1988-89 & 1992-93 were acted in accordance with the directives received from the V.O. O/o the CGMT, Guwahati letter No. Vig/Asst/26/1003/3 dtd. 16-08-94 and No. Vig/Asst/26/1003/0 dtd. 17-08-94 respectively without prejudicial to further disciplinary action against you keeping a liberal view. The recovery of the advances paid to you for the block years 1988-89 & 1992-93 thereon have been made (only) to make good the departmental loss of money.

As such, if these cases are to be taken for reconsideration, these can be done by the Vigilance Officer, O/o the CGMT, Guwahati only.

(Signature) Chief Superintendent, C.T.O. Guwahati-761001.

Copy to:-

- 1) The A.D. (Legal), O/o the CGMT, Assam Circle, Guwahati-761007 for information & necessary action please w.r.t. his letter No. STS-21/129/17 dtd. 13-05-97.
- 2) The Vigilance Officer, O/o the CGMT, Assam Circle, Guwahati-7 for information necessary action please with a copy of the CAT Order No. A.C. 178/96.
- 3) The D.E. (Adm.), O/o the C.T. Telecom, Guwahati-761007 for information & necessary action w.r.t. his No. DM/Cont-Case/28/13/1 dtd. 20-05-97.
- 4) O/C

Attested (Signature) Add. Central Govt. Standing Counsel

(Signature) Chief Superintendent, C.T.O. Guwahati-761001.

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Annex - V

-29-

The Chief Superintendent
Central Telegraph Office
Panbazar w Ghy-1

Sub - Final Payment of L T C Bill

Ref - Your letter No PF/A-6/Cat-LTC/KA/96-97/04 dt 5-6-97.

16 JUN 1997

Sir,
GUWAHATI

In reference above, I have to state as under:-

(1) I moved the central Administrative Tribunal, Guwahati Bench against the illegal action of the Deptt. recovering L T C advance granted to me as per rules without finalising my bills. It is stated here that the Department contested the case and grounds shown for not finalisation of bills and making recovery were not at all convincing to the Tribunal and the Hon'ble Tribunal in its judgment in OA 17B/96 dt 2-4-97 has stated the reasons for remanding the matter to the Deptt. in the light of what has been stated in the judgment.

It is surprising that you have not applied your mind to the basic issue and by issuing the letter under reference you have acted contrary to the findings of the Hon'ble Tribunal by harping on the same string. The letter has been issued without touching the points involved and the matter has been sought to be pushed to the vigilance.

The action of the Deptt. not to pay the bills and to recover the L T C advance was illegal and after passing of the judgment by the CAT, the Deptt. judgment can not go back to reopen the matter.

Therefore, I request that amount recovered be refunded and final bills paid to me.

Attested
AK Chandra
Asst. Central Officer
Standing Commr

Yours faithfully,

(Signature)

(Md Khamir Ali)

false and therefore, it was rejected.

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Annex - VI

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Govt. of India,
 Department of Telecommunications,
 Office of the Divisional Engineer, C.T.O. Guwahati.

NO. PE/A-6/CAT-LTC/KA/96-97/06 Dated at Guwahati, the 04-7-97

To: Md. Khamir Ali, TOA (TG),
 C.T.O. Guwahati-781001.

Sub:- LTC Bills for Block year 1986-89, 1990-93 & 1994-97.

In supersession of this office letter No. PE/A-6/CAT-LTC/KA/96-97/04 dtd. 05-06-97, it is intimated that the following claims of LTC reimbursement were rejected and amount recovered as the same could not be entertained for the reasons shown against each block year.

(1) Block-Year 1986-89 Rs. 9160/-:- The destination for outward journey was shown to Trivandrum bearing Rly. Ticket No. 00289 to 00292 and 88506 and the journeys ought to have been performed by the family members of 4 (four) including one minor. The same tickets were recorded and second instalment was paid. The journey should have been performed on 25-6-91. But, you have cancelled the tickets and refund taken from Rly. authority without the knowledge of the sanctioning authority of LTC advance which is highly irregular. Even, you did not intimate the same to the authority concerned and amount of advance refunded to the department as required under rules.

All on a sudden, you preferred a LTC bill claiming that family members performed journeys to Kanyakumari from Guwahati and back during the period from 25-8-91 to 11-9-91 by First Class showing a single outgoing ticket No. 36500 (and incoming journey ticket No. 55323 and submitted bill after a long period on 11-12-91 which is also irregular. You ought to have submitted the bill within a month from the date of completion of the journey and prior permission should have been taken for undertaking both the journeys.

Here again, it was highly irregular on your part that you took LTC advances for a journey to Trivandrum but bill submitted for Kanyakumari for 4 (four) members-3 (three) adults and 1 (one) minor for both way journeys. In this case, you have not shown the outward journey tickets before commencement of the journey which cast doubt and the claim is found to be false and therefore, it was rejected.

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- 31 -

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(2) Block year 1990-93 - Rs. 12,135/- The LTC advance was taken by you for a journey to Hyderabad for 6 (six) family members including 1 (one) minor by showing a 1st class Rly. Ticket No. 32400 for outgoing journey to be performed on 13-01-92. The final LTC bill was submitted on 07-04-92 for Rs. 13,486/- by stating that the incoming journey was completed on 26-1-92 without indicate the incoming journey ticket/proof as required.

On verification by the Vigilance Officer, O/O the CGMT, Assam Circle, Guwahati, it was stated that your family members performed journey from Hyderabad to Guwahati in the 1st Class compartment alongwith the group of Assam Telecom Cultural Team. As you could not produce proof of return journey to Guwahati, you created a false story of of occurring theft in the compartment and all belongings of your family members including Assam Telecom Cultural Team, including Rly. tickets were taken away by thieves. This fabricated story was found to be false as the Assam Telecom Cultural Team travelled from Hyderabad in second class and they produced genuine proof in their TA bills. Moreover, your family members have not filed any FIR for the case called theft case. They could not furnished the Train No. even.

From the above, it is proved that your family members did not perform journey to Hyderabad although a ticket for outgoing journey was purchased and shown, which might have been cancelled and refund taken from Rly. On the other hand, question of return journey did not arise as your family members have not performed incoming & outgoing journeys at all. Therefore, the entire bill was rejected and the amount was ordered for recovery. Here, again the bill was submitted beyond stipulated period of one month. Bill was submitted on 07-04-92. Order for recovery was intimated vide this office letter No. CS/Corr/VIG/94-95 dtd. 19-8-94.

(3) Block-year 1994-97 - Rs. 20,790/- The LTC advance was taken by you for journey for 7 (seven) family members and bill submitted for 5 (five) members completing journey on 28-01-94 to Trivandrum and back without showing ticket Nos. for both outgoing & incoming journeys. Here, you failed to produce any documentary evidence of journeys undertaken and as the bills preferred after lapse of prescribed period of 1 (one) month, therefore, the bill was rejected and recovery ordered by giving intimation vide this office letter No. A-15/LTC/Corr/94-95 dtd. 13-5-94 based on the conditions of sanction laid down vide this office letter No. A-15/LTC-Adv/93-94 dtd. 12-01-94.

It is disputed that the LTC bill of Shri J.N. Dutta, Sr. SS CTO, Guwahati is a similar case. The LTC bill of Shri, Dutta was also ordered for recovery and some installments were also been recovered and recovered amounts have not been refunded. His (Shri Dutta's) case has not been abandoned, the recovery has only been stopped temporarily and further action in this regard is offing.

From the above, while furnishing LTC bills for the block year 1986-89, 1990-93 and 1994-97, you have committed manifest errors and tried to get the ingenuine bills passed, which the competent authorities have no other alternative but to reject the claims and amount recovered as per various provisions of LTC Rules.

However, as directed by the Hon'ble CAT in O.A. No. 178/96, you are given an opportunity to show cause as to why the above 3 (three) LTC claims should not be rejected for the reasons assigned therein. Your representation, if any, should reach to the undersigned within 10 (ten) days of receipt of this letter. In case, no representation is received within the stipulated period, it will be deemed that you have no explanation to offer and the final order will be issued straightway.

J.B.
Divisional Engineer,
C.T.O. Guwahati-781001.

Copy to:-

- 1) The CGMT, (For attn. of ADT (Legal), Assam Circle, Ulubari, Guwahati-781007 w.r.t. his No. STES-21/129/19 dtd. 30-5-97.
- 2) The G.M. Telecom (Attn. of PA (E), KTD, Ulubari, Guwahati-7.
- 3) O/C

J.B.
Divisional Engineer,
C.T.O. Guwahati-781001.

Attested
J.A.K. Choudhury

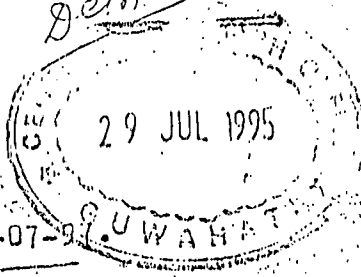
**Adt. Central Gen
Standing Counsel**

o/c

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Annex-VII

33-13



[Handwritten signature]

To
The Chief Superintendent,
C.T.O. Guwahati
Office of the District
Dated at Guwahati the 29-07-95

Sub:- LTC Bills for Block of 1986-89, 90-94 & 94-97

Ref:- Your letter No PF/A-6/CAT-LTC/KA/96-97/06 dtd 04-07-97

Sir,
In having the kind reference to the above cited communication, I beg to lay before you the following few lines for favour of your kind consideration.
The reply submitted by the u/s in reference to your earlier communication No PF/A-6/CAT/LTC/KA/96-97/04 dtd 5.6.97 will stand and may also kindly be treated as reply to the communication mailed to me on 04-07-97.

With best regards-

[Handwritten initials]

(Khamir Ali)

S.S.O, CTO Guwahati

[Handwritten signature]
Attended
AK Ch...

ADD. Central Gov
Standing Commr

03. The A.O. C.T.O. Guwahati for information.
04. O/C
for information please.
The Office, Kamrup Telecom District, Guwahati-781007.

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Annex - VIII

34-44

Govt. of India,
Department of Telecommunications,
Office of the Divisional Engineer, C.T.O. Guwahati,
.....

NO. PF/A-6/CAT-LTC/KA/96-97/07 Dated at Guwahati, the 22/8/97

To
Md. Khamir Ali, TOA (TG),
C.T.O. Guwahati-781001.

Sub: LTC Bills for the block year 1986-89, 1990-93
& 1994-97.

The reply as sought for vide this office letter No. PF/A-6/CAT-LTC/KA/96-97/06 dtd. 04-07-97 has not been furnished within stipulated period of 10 (Ten) days to reconsider your claims of LTC bills for the block year 1986-89, 1990-93 and 1994-97 in the light of the Hon'ble CAT's judgement.

Moreover, your reply as furnished vide your letter dtd. 29-07-97 is quite unsatisfactory and no explanation justifying your claims towards the above 3 (three) LTC cases is offered.

Therefore, all the 3 (three) claims towards LTC for the block year 1986-89, 1990-93 & 1994-97 preferred vide LTC bills submitted dtd. 11-12-91, 27-04-92 & 27-04-94 respectively are rejected totally and the amount already ordered for recovery is found to be in order as per departmental rules.

(S. TRID)
Divisional Engineer,
C.T.O. Guwahati-781001.

Attested
PK Choudhary

**Add. Central Govt.
Standing Counsel**

1. The Commr., Kamrup Telecom District, Guwahati-781007 for information please.
03. Mr. A.O., C.T.O. Guwahati for information.
04. O/C

cont/-2....

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Annex - IX

- 35 -

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Government of India
Department of Telecommunications,
Office of the Divisional Engineer, CTO, Guwahati-781001.

NO. PF/A-6/CAT-LTC/KA/08 Dated at Guwahati, the 04-07-2000

To

Mr. Khamir Ali, TOA (TG) GR-II,
C.T.O. Guwahati-781001.

Sub:- LTC bills for the block year 1986-89, 1990-93
& 1994-97.

The reply furnished vide your letter dtd. 29-07-97
in response to this office letter No. PF/A-6/CAT-LTC/KA/96-97
/06 dtd. 04-07-97 is found not satisfactory due to the follow-
ing reasons.

- (1) You did not furnish your reply within the stipulated period mentioned in the letter dated 04-07-97 which was issued for giving an opportunity to reconsider your claims for LTC cases on its merit.
- (2) Your belated reply dated 29-07-97 does not contain any point wise clarification/explanation about the gross irregularities mentioned in this office letter dated 04-07-97 regarding your bills claiming LTC for the block year 1986-89, 1990-93 & 1994-1997.
- (3) Your reply dated 29-07-97 does not contain any fresh fact or proof justifying the genuinity of the bills for reconsideration on its merit.
- (4) Your reply dated 29-07-97 indicates that you have nothing to say against any of the facts mentioned in this office letter dated 04-07-97 which leads to rejection of the bills and thereby your reply provides no scope to reconsider your LTC claims for the block year 1986-89, 1990-93 & 1994-97.

Therefore, all the 3 (three) claims towards LTC for the block year 1986-89, 1990-93 & 1994-97 preferred vide your LTC bills submitted dtd. 11-12-91, 27-04-92 & 27-04-94 respectively are totally rejected and the amounts of LTC advances in question already ordered for recovery are found to be in order as per Departmental rules.

This order is issued in connection with the court order/judgement passed by the Hon'ble CAT Guwahati on 01-02-2000 in OA No.209/97.

(D.K.NATH) [Signature]
Divisional Engineer,
C.T.O. Guwahati-781001.

Copy to:-

- 01. Sri G.C.Sarma, ADT (Legal) O/O the CGMT, Assam Circle, Guwahati-7 w.r.t. his letter No. STES-21/165/15 dtd. 08-03-2000.
- 02. The G.M.T., Kamrup Telecom District, Guwahati-781007 for information please.
- 03. The A.O., C.T.O. Guwahati for information.
- 04. O/C

Attended
[Signature]
Addl. Central Govt
Standing Counsel

04/2000