

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 1071 of 2000

Jabalpur, this the 1st day of April, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

K. V. Krishnamoorthi
aged 60 Years
Chief Engineer Jabalpur Zone
Military Engineering Service
Jabalpur.

APPLICANT

(By Advocate - Shri S. Akhtar)

VERSUS

1. Union of India
Through Secretary
Ministry of Defence
New Delhi.
2. Controller of Defence Accounts
Ridge Road,
Jabalpur Cantonment
3. Senior Accounts
Officer of the Controller of
Defence Accounts,
Ridge Road, Jabalpur Cantt

RESPONDENTS

(By Advocate - Shri Gopi Chourasia on behalf of
Shri S.A. Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member -

By filing this OA, the applicant has sought the
following main reliefs :-

"(i) to direct the respondent to admit the LTC claim for
Rs. 44,808/- from Jabalpur to Chennai preferred by the
applicant via Delhi being the shortest air route
available to Chennai.

(ii) to declare that the applicant is entitled to
travel by Air from Jabalpur to Chennai via Delhi, which
is the shortest Air Route to Chennai.

(iii) to declare that the no interest is recoverable from
the applicant and to direct the respondents to refund
the interest already recovered particularly when the
respondents have not raised any objection or query
while passing the LTC Advance for travel by Air via
Delhi."



2. The brief facts of the case are that the applicant is presently posted as Chief Engineer Jabalpur, Zone, Military Engineering Service, Jabalpur and it is equivalent to Joint Secretary and his own Controlling Officer, as per Rule SR 191. He is therefore, entitled for travel in AC-Ist and as well as for travel by Air. The applicant, for the Block year 2000-2001 preferred his LTC claim for his wife and himself for travelling from Jabalpur to Chennai by Air and the shortest Route available to the applicant was to travel via Delhi. He has proposed to leave Jabalpur on 14.2.2000 and to return on 4.3.2000. For the record it is submitted that each one way Ticket from Jabalpur to Chennai via Delhi amounted to Rs. 13,420/-. Accordingly, the applicant advance claim for Rs. 48,300/- and the same was allowed and drawn by him vide Voucher No. 65-00-2772 dated 18.1.2000. The applicant submits that although he was booked to travel by Air on the 12th February, 2000, at the last moment the Flight from Jabalpur to Delhi cancelled and the applicant proceeded by Train in the AC-II due to non-availability or reservation/AC-Ist. From Delhi to Chennai and back the applicant travelled by Air. On his return, the applicant submitted his final claim for adjustment and as he had drawn a sum of Rs. 48,300/- as advance and the total expenses incurred by him amounted to Rs. 44,808/-, a sum of Rs. 3492/- was to be refunded by him. Thereafter, the respondent No. 3 vide his order dated 27.6.2000 passed only the sum of Rs. 22,224/- as final claim in the case of the applicant and ordered for recovery of Rs. 26,076/-, together with interest from February to June 2000 amounting to Rs. 1521/-. Thus, a total sum of Rs. 27,597/- was ordered to be recovered from the advance drawn by the applicant vide order dated 27.6.2000. On receipt of the aforesaid order, the applicant has submitted his representation, wherein it was specifically pointed out that at the time of availing L.T.C. advance, requisition was



: 3:

submitted for travelling via Delhi by Air an no query was raised by the respondents. In the light of this fact, the order for recovery could not be sustained. The applicant specifically submits that no communication was received by him with regard to this representation. The matter was once again taken up by the Office of the applicant with respondent No.2 and it was once again contended that as no objection was raised when the requisition was preferred for travelling by Air, the respondents could not therefore, direct for recovery after the applicant had undertaken the travel. It was also submitted that the applicant, being an officer in the Senior Administrative Grade, he was entitled to LTC by air and as the shortest and only air route available to the applicant was Delhi, the reason for confining the claim via Nagpur could not be sustained. The respondents while disallowing the final claim, have restricted the claim on the ground that the applicant should have travelled from Jabalpur to Nagpur by AC-II and thereafter from Nagpur to Chennai by Air. The applicant venementally submits that being an Office of the Senior Administrative Grade he is entitled to travel by AC-Ist. The applicant further submits that the respondents have not applied their mind to the facts of the case while ordering for recovery from salary of the applicant, the LTC advance earlier granted to him. Aggrieved by this, he has filed this OA claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties and perused the records.

4. The learned counsel for the applicant has submitted that the applicant is a Senior Administrative Grade equivalent to ^{Joint Secretary} Joint Secretary. Hence, he is entitled for travelling ~~AC-Ist~~ as well as for travel by Air. He has further submitted that the applicant was booked to travel by Air on the 12th February, 2000, at the last moment the flight from Jabalpur to Delhi was cancelled and



the applicant proceeded by Train in the AC-II due to non-availability of reservation in AC-Ist. From Delhi to Chennai and back the applicant travelled by Air. On his return, the applicant submitted his final claim for adjustment and as he had drawn a sum of Rs. 48,408/- as advance and the total expenses incurred by him amounted to Rs. 44,808/- a sum of Rs. 3492/- was to be refunded by him. No objection was raised on behalf of the respondents when the request was preferred ~~for travelling~~ by Air. Hence, the respondents could not recover the LTC amount from the applicant. The learned counsel for the applicant further submitted that the applicant is a Senior ~~Officer and~~ ~~available~~ Administrative Grade, he was entitled to LTC by Air and as the shortest and only air route available to the applicant was Delhi, the reason for confining the claim via Nagpur could not be sustained. Hence the impugned order is sustainable in the eye of law.

5. The learned counsel for the respondents has stated that the claim of the applicant has been settled as per LTC scheme and the Travel Regulations, and as such the respondents have rightly restricted the applicant claims to the shortest route i.e. Jabalpur to Nagpur by II-AC class and thereafter from Nagpur to Chennai by Air. The recovery ordered by the respondents is absolutely as per the law and the rules framed for the purpose. The applicant was entitled for Air economy (Y) class by National Carrier or AC-I class by train. According to the Travel Regulation ~~provides~~ that the Government's liability will be limited to the share of the fare by the shortest route calculated on the basis of ticket. During pre-audit of the adjustment claim, it was observed that the applicant did not perform the journey by the shortest route as required under sub para 18 of rule 190 of Travel Regulation. As such the applicant's claim was passed for Rs. 22,224/- only restricting the same by the shortest route i.e. Train fare for AC-II from Jabalpur to Nagpur and by Air

from Nagpur to Chennai and vice-versa, whereas, the applicant claimed from Jabalpur to Delhi By AC-II and Delhi to Chennai by Air and vice-versa. The claim made by the applicant ~~which~~ is on the basis of a much longer route ~~/has been rejected.~~ Hence, the claim was admitted for Rs. 22,224/- against the LTC advanced of Rs. 48,300/- drawn by the applicant. A sum of Rs. 26,076/- plus Rs. 1521/- interest thereon was directed to be recovered from the applicant vide order dated 27.6.2000.

6. After hearing the learned counsel for the parties, I find that though the applicant was entitled by AC-I class by train or Air economy(Y) class by National Carrier, the ~~xxx~~ journey should have been performed by the shortest route which is from Jabalpur to Nagpur and then from Nagpur to Chennai by Air and vice-versa. Whereas the applicant had gone first ~~to~~ Delhi and then he travelled by Air from Delhi to Chennai and vice-versa. Apparently it seems not to be shortest route. According to the rule, the employee is entitled for fare only ~~/shortest~~ route. But, here the applicant had travelled much longer route. Therefore, the impugned order passed by the respondents is according to rule and I do not find any infirmity in the order passed by the respondent. The OA is bereft of merits. Accordingly the OA is dismissed. No costs.

14.2004.

(Madan Mohan)

Judicial Member

पृष्ठांकन सं. नं. 104..... नालपुर, दि.

दरिद्रता व अवृद्धि विभाग, जबलपुर

- (1) श. S. Akhtar, दरिद्रता व अवृद्धि विभाग, जबलपुर
- (2) श. S. Dharmadhikari, के. कार्यालय, जबलपुर
- (3) श. S. Dharmadhikari, के. कार्यालय, जबलपुर
- (4) श. S. Dharmadhikari, अवृद्धि व अवृद्धि विभाग, जबलपुर

S. Akhtar

S. Dharmadhikari

27/6/04

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