

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 523 of 1999

Jabalpur, this the 29th day of October, 2003

Hon'ble Shri M.P.Singh-Vice Chairman(A)
Hon'ble Shri G.Shanthappa, Judicial Member

D.P.Vaidya, S/o Shri D.C.Vaidya, aged 59 years,
Retd. Office Superintendent, C.O.D., Jabalpur,
Rao 621, Thakkar Gram Near West Kariyapathar,
Primary School, Jabalpur

- APPLICANT

(By Advocate - None)

Versus

1. Union of India through Secretary,
Ministry of Defence, New Delhi.

2. The Commandant, C.O.D., Jabalpur

- RESPONDENTS

(By Advocate - Shri S.C.Sharma)

ORDER (Oral)

By M.P.Singh, Vice Chairman (A)-

None for the applicant. Since the case is very old, it is being decided by invoking the provisions of Rule 15 of Central Administrative Tribunal (Procedure) Rules, 1987.

2. In this application, the applicant has sought for a direction to quash column no. H of Annexure-A-1 by which a note has been recorded for recovery of Rs.4040/- towards LTC advance paid to the applicant, from his retiral benefits. He has also sought a direction to hold that the LTC advance of Rs.4040/- is not outstanding against him.

3. The brief facts of the case are that the applicant was working as Upper Division Clerk in Central Ordnance Depot, Jabalpur. He took leave travel concession advance of Rs.4040/- on 15.5.1982, to perform journey from Jabalpur to Kanyakumari. The controlling authority on an enquiry from Police and Executive Officer came to the conclusion that he did not perform the journey and passed an order on 14.4.1984 for recovery of LTC advance. The applicant filed a case before the Authority under the Payment of Wages Act

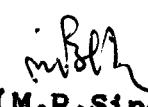
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which was registered as Case No. 14 of 1984, challenging the order of the competent authority. The claim of the applicant was accepted by the Authority under the Payment of Wages Act. The disciplinary authority thereafter served a charge sheet on the applicant on 15.6.1984, and after enquiry inflicted the punishment of reduction of his pay by two stages for a period of two years with a direction that he will not earn increment during the said period but without cumulative effect vide order dated 29.1.1987. The applicant had again filed a case No.40 before the Authority under the Payment of Wages Act seeking permission to file a complaint against the disciplinary authority. The said application was dismissed vide order dated 21.9.1987 but a direction was made therein for the disciplinary authority to make payment of LTC claim of the applicant. Thereafter, Union of India filed an application under Section 19 of the Administrative Tribunals Act, 1985 being OA No.188 of 1989. The Tribunal vide its judgment dated 25.10.1994 allowed the OA and the order of the Authority under the Payment of Wages Act was quashed as beyond jurisdiction.

4. It would be seen from the above that the issue relating to payment of LTC claim of Rs.4040/- has already been adjudicated by the Tribunal vide its order dated 25.10.1994. The applicant has not challenged the said order of the Tribunal in the higher courts and, therefore, this order of the Tribunal dated 25.10.1994 has attained its finality.

5. In view of the facts mentioned above, the present OA is devoid of merits and is accordingly dismissed. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman(A)