

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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ORDER SHEET

ORDERS OF THE TRIBUNAL

03.12.2012

OA No. 572/2011

Mr. C.B. Sharma, Counsel for applicant.

Mr. T.P. Sharma, Counsel for respondents nos. 1, 3 & 4.

Mr. Mukesh Agarwal, Counsel for respondent no. 2.

List it on 04.01.2013. In the meantime, the parties may complete the pleadings.

IR to continue till the next date.

Anil Kumar

(Anil Kumar)  
Member (A)

K. S. Rathore  
(Justice K.S. Rathore)  
Member (J)

ahq

04/01/2013

OA NO. 572/2011

Mr. C.B. Sharma, Counsel for applicants.  
Mr. T.P. Sharma, Counsel for respondent nos. 1, 3 & 4.  
Mr. Mukesh Agarwal, Counsel for respondent no. 2.

Heard.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar  
[Anil Kumar]  
Member (A)

K. S. Rathore  
[Justice K.S. Rathore]  
Member (J)

THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Dated, this the 4<sup>th</sup> day of January, 2013

ORIGINAL APPLICATION No. 572/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)  
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

1. Gopal Lal Kumawat s/o Shri Suraj Mal Kumawat aged about 51 years r/o 132, Subhash Colony, Shastri Nagar, Jaipur and presently working as Sr. T.O.A. (G) under AGM (Vig.) Office of PGMTD, BSNL, M.I.Road, Jaipur
2. Devaki Nandan Sarolia s/o Shri Ram Sahai Sharma, aged about 49 years r/o 1045 Rani Sati Nagar, Jaipur and presently working as Sr. T.O.A. (P) Office of PGMTD, BSNL, M.I. Road, Jaipur
3. Hanuman Singh s/o Shri Bhanwar Singh aged about 52 years r/o III/184, Sanchar Vihar Colony, Malviya Nagar, Jaipur and presently working as Sr. T.O.A. (G) under CO (CSC) Bajaj Nagar, Office of PGMTD, BSNL, M.I. Road, Jaipur
4. Babu Lal Dhanka s/o Shri Surja Ram, aged about 50 years r/o 324, Devi Nagar, New Sanganer Road, Jaipur, presently working as Sr. T.O.A. (P) under SDE – (MIS) Office of PGMTD, BSNL, M.I.Road, Jaipur

.. Applicants

(By Advocate : Shri C.B.Sharma)

Versus

1. Bharat Sanchar Nigam Limited through its Chairman and Managing Director, Corporate Office, Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi.

2. The Union of India through its Secretary, Department of Communications, Ministry of Communications and Information Technology, Sanchar Bhawan, 20, Ashoka Road, New Delhi-110 001.
3. Principal General Manager, Telecom District, BSNL, M.I.Road, Jaipur
4. Accounts Officer (Estt.) Office of Principal General Manager, Telecom District, BSNL, M.I.Road, Jaipur

.....Respondents

(By Advocate : Shri Tej Prakash Sharma for resp. No. 1,3 & 4 and  
Shri Mukesh Agarwal for resp. No.2)

### ORDER (ORAL)

The present OA is directed against the orders dated 31.10.2011 issued by respondent No.4 i.e. Accounts Officer (Estt.), Office of the Principal General Manager, Telecom District, Bharat Sanchar Nigam Limited (BSNL), Jaipur by which representations of the applicants have been rejected and justified the recovery of Leave Travel Concession (LTC) advance and same is to be recovered from pay and allowances of the applicants on the ground that Air Fare cannot be allowed from Delhi to Bagdogra.

2. The learned counsel appearing for the applicants submits that the respondents sanctioned advance after due consideration and after going through the Air Tickets purchased by the applicants. It is also stated that visit to North Western Region by air was allowed by the Government of India in the

year 2008 and this relaxation was extended for two years beyond 1.5.2010. The respondents while considering representation submitted by the applicants in view of the direction issued by CAT-Jaipur Bench vide order 20.9.2011 in OA No.428/2011 totally ignored the relaxation for travel by air allowed by the Govt. of India.

3. It is further stated that after formation of BSNL w.e.f. 1.10.2000 the applicants absorbed in the BSNL w.e.f. 1.10.2000. The BSNL adopted the orders passed by the Government of India as circulated by the Department of Telecom allowing LTC from time to time to their employees. Vide O.M. dated 2.5.2008, the Government of India allowed relaxation for travel by air to visit North Eastern Region. The BSNL has granted relaxation as per OM dated 2.5.2008 but now the BSNL is not considering further extension of relaxation given vide OM dated 20.4.2010 and rejected claim of the applicants and ordered to recover the amount from the salary of the applicants.

4. Aggrieved and dis-satisfied with the action of the respondents, the applicants filed this OA against the impugned orders dated 31.10.2011 on the ground that respondents in similar circumstances allowed claim to Shri N.K.Marothia and also



allowed claim for journey performed by air to other officials in first two years and thereafter not allowed the same for further two years.

5. In response to the averments made in the OA, the learned counsel appearing for the official respondents replied that the claim given to Shri N.K.Mathothia was thoroughly examined by the respondents and ultimately the LTC claim has been recovered from Shri Marothia. The respondents have placed salary slip for the month of July, 2012 of Shri Marothia for perusal of this Tribunal. Further, the learned counsel appearing for the respondents stated that the present OA is not maintainable as the OA has been filed by the applicants against the order dated 31.10.2011 issued by respondent No.4 whereby representations filed by the applicants have been rejected directing the applicants to deposit balance amount of LTC advance from the pay and allowances of the applicant on the ground that air fare cannot be allowed from Delhi to Bagdogra under the present rules. So far as extension of OM dated 2.5.2008 for further period of two years is concerned, it is stated by the learned counsel appearing for the respondents that this extension has not been endorsed by the BSNL Headquarter, New Delhi and therefore, the extension is not applicable in the BSNL. It is further stated that



in pursuance to the order passed by this Tribunal in OA No. 428/2011, the representations of the applicants have been thoroughly examined and by a speaking order the same have been rejected and ordered to recover the amount from the salary of the applicants.


6. We have heard the rival submissions of the respective parties and also carefully gone through the rules and the OM dated 2.5.2008. The stand taken by the respondents is that further extension has not been authorized by the BSNL Headquarter, therefore, the benefit of further extension cannot be extended in favour of the applicants. We have also considered the averments made by the applicants that the respondents in similar circumstances allowed claim to Shri N.K.Marothia. As discussed hereinabove and upon perusal of the salary slip of Shri Marothia, it reveals that the amount of Rs. 6414/- has been recovered from his salary for the month of July, 2012, thus, there appears to be no discrimination made by the respondents. Therefore, in our considered view, since the BSNL has not adopted the extended relaxation pursuant to OM dated 2.5.2008 and recovery has been made effective from the similarly situated persons, therefore, the impugned orders Ann.A/1 to A/4 do not require any interference by this Tribunal as

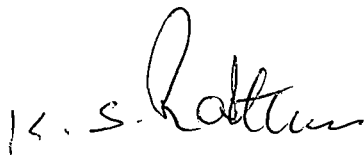


these are passed in accordance with the law and the LTC rules in the BSNL. The representations have been thoroughly considered by the respondents and after assigning cogent reasons, the same are rejected by the respondents. Therefore, we find no illegality in the order of recovery.

7. Consequently, the OA being bereft of merit fails and the same is hereby dismissed with no order as to costs.

8. The interim relief issued vide order dated 26.11.2011 shall stand vacated.

  
(ANIL KUMAR)  
Admv. Member

  
(JUSTICE K.S.RATHORE)  
Judl. Member

R/