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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00639/2014

**Reserved on: 03.09.2015
Pronounced on: 17.09.2015**

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

Dr.(Mrs.) Jancy Gupta wife of Dr. I.D. Gupta age 57 years presently working as Principal Scientist and Ex-Head, Dairy Extension Division, NDRI, Karnal, Haryana.

Versus

.....Applicant

1. Indian council of Agricultural Research, Krishi Bhawan, New Delhi through its Secretary.
2. The National Dairy Research Institute (NDRI) through its Director, Karnal - 132001.

.....Respondents

Present: Mr. K.B. Sharma, proxy counsel for the applicants
Mr. R.K. Sharma, counsel for the respondents

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Order (Oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. The reliefs claimed through the present O.A. are to quash the impugned letter dated 23.07.2014 (Annexure A-1) and to direct the respondents to reimburse the LTC claim of the applicant after deducting the amount of taxi fare.
2. The facts which led to the filing of the present O.A. are that the applicant, initially entered into service of the respondents Department as a Scientist on 11.02.1985. She was promoted to the post of Scientist in Senior Scale on 11.02.2000. She also worked as Head of Division from 20.09.2005 to 19.03.2011 and presently she is posted as Principal Scientist in NDRI, Karnal. She availed home-town LTC for self and family members from 22.12.2011 to 02.01.2012 for round-trip journey from Karnal to her home town at Ayyanthole (Trichur-Kerala). It is the case of the applicant that she spent an amount of Rs.1,26,529/- in total for the journey and since she took advance of Rs.1,00,000/- against it, therefore, she requested the department to pay the balance amount of Rs.26,529/-, which she had paid from her own pocket. She submitted her LTC claim on 06.01.2012. She performed her to and fro journey from Headquarter Karnal to T-3

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Terminal of Indira Gandhi Airport, New Delhi by hiring a taxi and incurred an amount of Rs.3800/- for the same. Similarly, she also hired a taxi for to and fro journey from Nedumbassery Airport, near Kochhi to the home-town Ayyanthole (Trichur-Kerala) and spent an amount of Rs.1991/-. An amount of Rs.1,20,738/- (round trip) was spent on Air Tickets (Air India Flight). Vide order dated 31.05.2012, the applicant has been informed that her LTC claim has been forfeited and she has been directed to deposit the full LTC advance of Rs.1,00,000/- along with penal interest of Rs.6183/-. She submitted a representation dated 04.06.2012, supplemented by another representation dated 14.06.2012 stating therein that she is ready to forfeit the taxi charges of to and fro journey from Karnal to IGI Airport, New Delhi and that she may be reimbursed the rest of the amount. It is the contention of applicant that the Finance and Audit Section of the Institute also agreed that the LTC claim other than the taxi charges can be reimbursed, which is reflected in letter dated 19.01.2013 (Annexure A-6). The applicant made another representation dated 05.06.2013 to reimburse the balance amount paid by her. However, she was informed vide letter dated 15.06.2013 that her request has not been acceded to. The applicant submitted an

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online-complaint on 24.06.2013 to the Department of Agriculture Research and Education (DARE), registered with No. DOARE/E/2013/00054 but no response thereto has been received by the applicant. Vide order dated 23.07.2014, the applicant was ordered to deposit full LTC amount of Rs.1,00000/- plus penal interest of Rs.29,425/- on or before 30.07.2014, otherwise the recovery will be made from her regular salary. Hence the O.A.

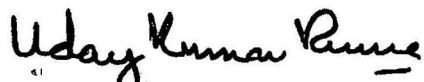
3. Respondents have filed written statement supporting the impugned order submitting therein that as per the C.C.S (Leave Travel Concession) Rules, LTC is not admissible for journeys performed in a private car (owned, borrowed or hired) or chartered bus, van or other vehicle owned, operated by private operators and that LTC is admissible for journeys conducted by Tourism Development Corporations in the Public Sector, State Transport Corporations and Transport Services run by Central or other Government or local bodies. Since the applicant has performed her to and from journey from IGI airport to Karnal and from Airport near Kochi to her home-town by taxi, therefore, her claim has been rejected by the respondents.


4. We have heard Mr. K.B. Sharma, learned proxy counsel appearing vice Mr. D.R. Sharma, learned counsel and Mr. R.K. Sharma, learned counsel for the respondents.
5. A conjunctive perusal of the pleadings makes it clear that the respondents have not denied that she has performed her journey from Karnal to her home-town Trichur. The sole point of rejection of the claim of the applicant is that she performed to and fro journey from Karnal to IGI Airport Delhi and also from Airport near Kochhi to home-town Trichur by private taxi, which is not admissible under the CCS LTC Rules. The request of the applicant to forfeit the amount paid by her towards taxi fare for to and from journey from Karnal to IGI Airport and reimburse the balance amount, which is agreed to by the Finance and Audit Wing of the Institute also, has been rejected by the Competent Authority. We see no reason to approve the above action of the respondents. They can very well deduct the amount of taxi fare, paid by the applicant as the same is not admissible under the CCS LTC Rules, but the action of the respondents in forfeiting the full LTC claim of the applicant is not justifiable and it stands invalidated.
6. In view of the above, the impugned order dated 23.07.2014 (Annexure A-1) is quashed and set aside. The matter is remitted

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back to the respondents to re-consider the claim of the applicant in view of the observations made hereinabove. The consideration shall come about within a period of two months from the date of receipt of a copy of this order.

7. The O.A. stands disposed of in the above terms.


(UDAY KUMAR VARMA)
MEMBER (A)


(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 11.9.2015

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