

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

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

CA No. 277/96

Sr. L.C. Manna ..... Applicant(s)  
-Versus-

Union of India ..... Respondent(s)

In person ..... Advocates for Applicant(s)

Sr. C.G.S.C. ..... Advocates for Respondent(s)

Office Notes ..... Date ..... Courts' Orders

This application is in  
form and within time  
C. F. of Rs 50/-  
deposited vide

IPO/BD No 444976  
Dated 27-11-96

Dy. Registrar.

5.12.96

The applicant, Mr L.C. Manna,  
in person. Learned Sr. C.G.S.C. Mr S. Ali  
for the respondents. Issue notice on the  
respondents to show cause as to why this  
application should not be admitted and  
why the interim relief prayer should not  
be granted.

List for disposal of show cause  
and consideration of admission and interim  
order on 19.12.96.

Pending disposal of show cause  
on the interim prayer the operation of pay  
slip EMP No.2020, Annexure-J to this  
application, is kept in abeyance and the  
respondents shall pay the applicant his  
monthly salary without effecting deduction  
of LTC advance.

Copy of the order may be furnished  
to the applicant and Mr Ali.

Member

Pl. comply order  
on 5.12.96.

6/12

nkmy

6/12

7-12-96

notice prepared and  
issue vide no 4107 to 4109,  
dated 11.12.96

Show cause has not been  
submitted.

18/12

19.12.96

The applicant, Mr L.C. Manna, in person. Learned Sr. C.G.S.C. Mr S. Ali and learned Addl. C.G.S.C. Mr A.K. Choudhury for the respondents. Show cause has not been submitted.

List for disposal of show cause and consideration of admission on 3.1.1997.

Send copy of the order to the respondents within 2 days.

Member

nkm

20/12

li comply order dated 19.12.96 to the respondents.

20/12/96

20.12.96

Notice duly served in respondent No. 5, 6.

3.1.97

Mr L.C. Manna, the applicant, in person. Learned Addl. C.G.S.C. Mr A.K. Choudhuri for the respondents submits that he may be allowed 10 days time to submit the show cause. Allowed.

List for show cause and consideration of admission on 16.1.97.

Mr Manna submits that he has not been paid his salary for December 1996. Mr Choudhuri submits that he wants instructions on this issue also. Mr Choudhuri may submit clarification on 16.1.97. IN the meantime the respondents may pay the salary of the applicant for the month of December 1996 in terms of the interim order dated 5.12.1996.

Member

nkm

16.1.97

Sri L.C.Manna, the applicant in person. Mr Ali, Sr.C.G.S.C submits that his name may not be shown in the case as the matter is dealt with by Mr A.K.Choudhury. Registry to delete the name of Mr Ali and record the name of Mr Choudhury.

Leave of note of Mr A.K.Choudhury. Show cause has not been received.

List for show cause and consideration of admission on 14.2.1997.

Member

6.1.97

Copy of the order sent to the Respt. No 4, 5. vide order dated 3.1.97.

6.1

15-1-97

1) Show cause has not been filed.

2) Notice duly served on Respondent No - 5 & 6.

pg 16/11

14.2.97

The applicant who appears in person is not present.

Let this case be listed on 28.2.97 for admission.

  
Vice-Chairman

nkm

av  
18/2

21-2-97

28.2.97

An application praying  
for adjournment in the case  
is received from the applicant.

On behalf of the applicant Mr S.Sarma  
prays for 3 weeks time. Prayer allowed.  
Adjourned to 21.3.1997 for admission.

  
Vice-Chairman

pg

20-3-97

- 1/ Notice issued dt-  
11.12.96. 21-3-97
- 2/ Notices on Respondant  
No-4 & 5 duly served.
- 3/ Show cause has not  
been filed.

Written statement has been filed  
to-day. There is no representation on behalf  
of the applicant. Applicant <sup>who is appeared</sup> in person is <sup>ad</sup> not  
present. Mr.A.K.Choudhury, Addl.C.G.S.C.  
submits that he has not <sup>been</sup> able to serve copy  
on the applicant as he is not available  
in the Court. For the ends of justice we  
adjourn ~~the case~~ <sup>the case</sup> till 4-4-1997.

  
Vice-Chairman

lm

av  
26/3

26.3.97

2/5 filed on b/h  
4.4.97  
Resps As-

Today also the applicant is not present  
without taking any steps. Mr A.K. Choudhury,  
learned Addl. C.G.S.C., is present.

The case is further adjourned till 11.4.97.

  
Vice-Chairman

nkm

av  
8/4

Notice duly served on R No 4 & 5.  
Not stated on R. Nos 1-6 as per  
order.

11.4.97

There is no representation on behalf of the applicant. Earlier occasion also the applicant was not present. The case is dismissed for default.

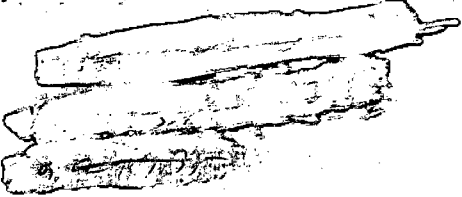
22/4/97

Copy of the order has been sent to the D/section for issuing the same to the Applicant along with the Addl. C.G.I.S.C.

trd

for 274

  
Vice-Chairman



215

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GAUHATI BENCH

TITLE OF THE CASE

O.A. NO. 277/96

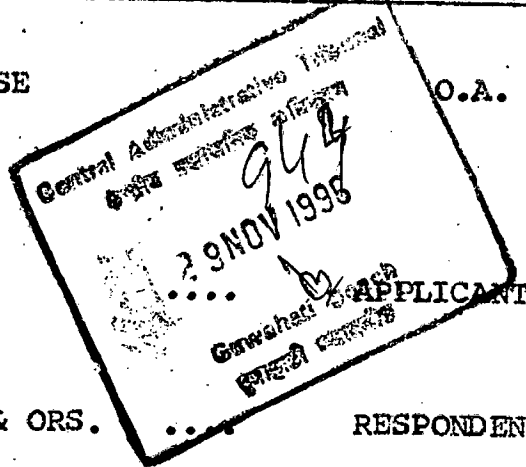
BETWEEN

L.C. MANNA

-VS-

UNION OF INDIA & ORS.

RESPONDENTS



Filed by L.C. MANNA

I N D E X

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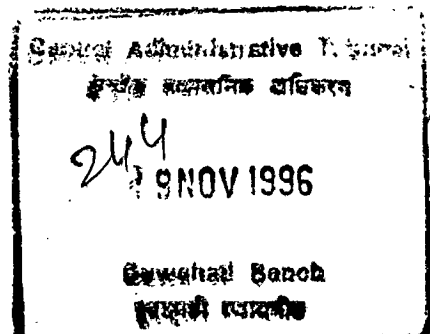
FOR USE IN TRIBUNAL OFFICE :

Date of filling :- 29.11.96

Registration No. :- 278/96

R E G I S T R A R

received 6/12/96  
Sale - 3/12/96  
G. C. 98C



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

( An application Under Section 19 of Administrative Tribunal  
Act, 1985 )

O.A. NO. 277/96

BETWEEN

Sri L.C. Manna

Wireless Supervisor

Inter State Police Wireless Station

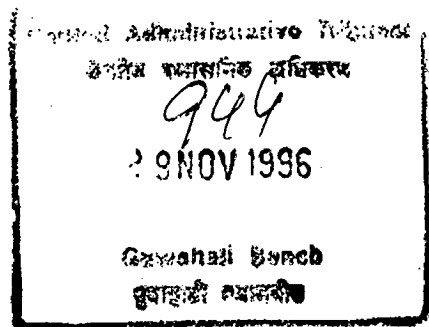
Dispur, Gauhati-6.

..... Applicant.

- And -

1. The Union of India  
represented by Ministry of Home Affairs,  
Govt of India, New Delhi.
2. The Director, Police Telecommunication  
D.C.P.W. M.H.A. C.G.O Complex, Lodhi Road  
New Delhi-3.
3. The Joint Director,  
D.C.P.W. M.H.A C.G.O. Complex, Lodhi Road  
New Delhi-3.
4. The Account Officer, D.C.P.W. M.H.A. C.G.O. Complex,  
Lodhi Road, New Delhi-3.

Contd....P/2



: 2 :

✓ 5. Extra Asstt. Director/Zonal Officer Cum Station -in- Charge.

I.S.P.W. Station APRO Building, Dispur Gauhati-6.

6. The Station Superintendent

I.S.P.W. Station APRO Building

Dispur, Gauhati-6.

..... Respondents.

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION  
THIS MADE :

This application is made against the orders.

(1) Order No. B 17013/1/96-97/Acc.II/LTC dated 4th  
Oct. 1996 (Annexure-H).

(2) Pay Slip (D.C.P.W. Pay Slip) dated Nil/Oct/96 vide  
Bill No. 143 (Annexure J )  
a

2. JURISDICTION OF THE TRIBUNAL :

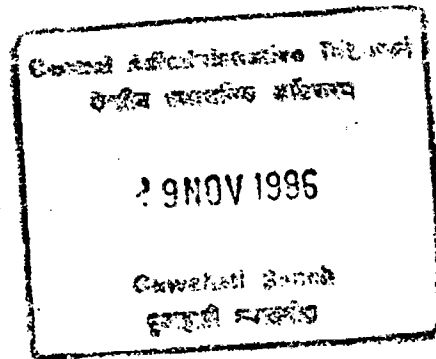
The applicant declares that the subject matter in respect  
of which the application is made is within the jurisdiction of  
this Hon'ble Tribunal.

3. LIMITATION :

aw  
The application further declares that the application is  
within the limitation period prescribed under Section 21 of the  
Administrative Tribunal Act.

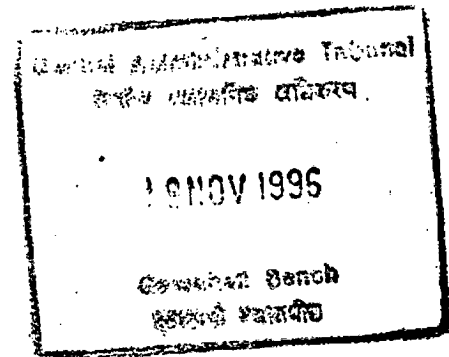
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4. FACTS OF THE CASE :

4.1. That the applicant in the instant application is working as an wireless Supervisor in the Inter State Police Wireless Station (I.S.P.W.), Dispur under the respondents. During this service at Dispur, he applied for L.T.C. as the rules prevalent of that time and his application was allowed. Accordingly he purchased a ticket from Gauhati to Trivandram for 14.1.96. As per the rules he verified his ticket from Respondent No. 6 on 21.12.95. The said ticket was also attached by the Respondent No.5 on 15.12.95. On 13.1.96 the applicant submitted the departure report to the Respondent No.2 and on 14.1.96 he started his journey to Trivandram and returned Gauhati on 27.1.96. The applicant submitted joining report on 29.1.96 and accordingly joined his duty again. On 9.2.96 he submitted L.T.C. Bill but the Respondent No.4 asked him to resubmit the said L.T.C. Bill as he could not submit the leave sanctioned Certificate which he received only on 26.2.96 and after receipt of the same he again submitted his L.T.C. Bill. Surprisingly enough after about 8 months the respondent No.4 has issued a memorandum on 4th Oct. 1996 stating that the applicant has submitted a bogus claim of L.T.C. and have he was directed to refund a sum of Rs. 21270/= at once failing which same will be recovered from his pay for Oct. 96 apart from the disciplinary action. The said letter was received by the applicant on 15.10.96 and on 15.10.96 he made a representation to the Respondent No.2. The applicant was shocked when he received a modified/curtailed pay slip of Rs. 767/= in place of his actual pay slip of Rs. 6206/= and immediately he refused to draw the award and made a representation on 31.10.96 but till date no action has been taken by the respondents.



The, in brief, is the erox of the subject matter of the instant case. The petitioner was begs to place the facts of the case necessitating the filing of this application under Sec 19 of the A.T. Act 1985 seeking redressal against his impugned orders vide (Annexure- H ) & (Annexure- J ).

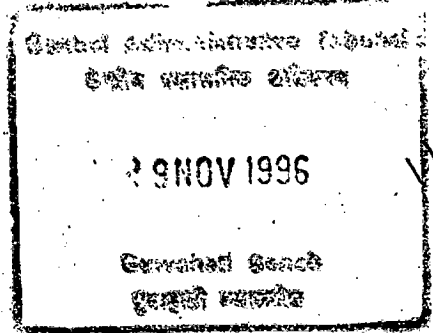
4.2. That the petitioner is a citizen of India and as such he is entitled to all the rights, protections and prevell-ages as guaranteed under the constitution of India and laws framed thereunder.

4.3. That the applicant has been working in the Dispur I.S.P.W. Station since 1993 . As per the rules he applied for Leave Travell Congesation (L.T.C.) for the Block year 1994 -97 and his application was allowed. Accordingly he purchased a ticket for 6 persons (Family members) vide PNR No. 110001 for Journey from Gauhati to Trivandram on 14.01.96.

A copy of the said ticket bearing PNR No.110001 is annexed herewith and marked as Annexure-A.

4.4. That after purchasing the said ticket the applicant placed the save before Station Superintendent (Respondent No.6) for verification. The respondent No.6 certified the said ticket on 21.12.95. The said ticket was also placed before the respondent No.5 and respondent No.5 has also put his certifying the same to be a correct one.

A copy of the certificate dated 21.12.95 is annexed herewith and marked as Annexure-B.



: 5 :

4.5 That having completed all the required official formalities the applicant on 13.1.96 submitted his departure report before the respondents. The applicant also applied for E/2 for 13 days w.e.f. 15.1.96 to 27.1.96 to under take his journey from Gauhati to Trivandram.

A copy of the departure report dated 13.1.96 is annexed herewith and marked as Annexure-C.

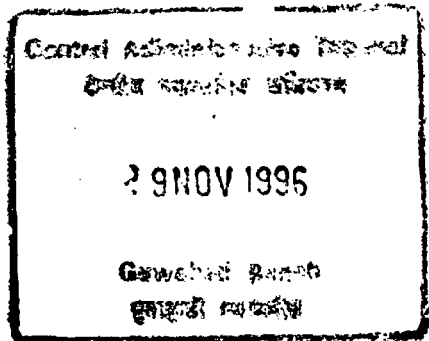
4.6 That the applicant and his family members under took the journey on 14.1.96 and after availing the leave period he placed his joining report on 29.1.96 and joined his service.

A copy of the joining report dated 29.1.96 is annexed herewith and marked as Annexure-D.

4.7 That as per the preceedure the applicant submitted the L.T.C. Bill before the respondents stating all the relevent facts as well as documents. The applicant also placed the certified ticket along with the said Bill.

A copy of the said bill dated 9.2.96 is annexed herewith and marked as Annexure-E.

4.8 That the respondent No.4 on 7.3.96 has issued a memorandum to the applicant stating that the certificate part of the Annexure-E Bill dated 9.2.96 filled up by the applicant was not filled in properly. Again in the said memorandum it is stated that the applicant has not placed any documentary evidence along with the said Bill dated 9.2.96. Whereas the applicant has enclosed the said ticket



: 6 :

(certified) alongwith the Bill dated 9.2.96 which bears the PNR No. 110001. The said memorandum was received by the applicant on 19.3.96.

A copy of the said memo dated 7.3.96 is annexed herewith and marked as Annexure-F.

4.9 That subsequently the applicant received his sanction memo for the leave period from 15.1.96 to 27.1.96 only on 26.2.96 and accordingly he resubmitted the Annexure E bill enclosing the leave sanction on 19.3.96 memo. The said leave sanctioned memo was received belatedly because the same was issued from Delhi only on 8.2.96 and the applicant submitted his bill (Annexure-E) only on 9.2.96. After the receipt of said memo dated 8.2.96, he resubmitted the said bill.

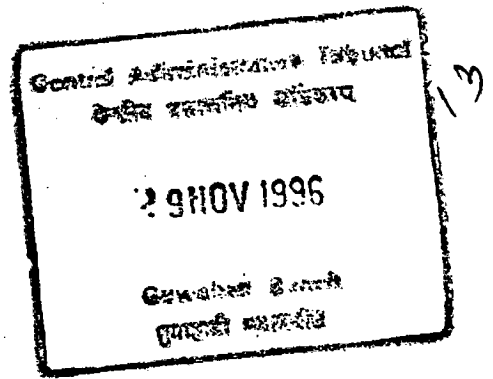
A copy of leave sanction memo is annexed herewith and marked as Annexure-G.

4.10 That surprisingly enough the applicant was issued with a memorandum stating that his claim of L.T.C. was bogus one and he was directed to returned a sum of Rs. 21270/= at once failing which same will be recovered from his pay for Oct. 1996 apart from disciplinary action as he has not submitted any documentary evidence.

A copy of the said memorandum dated 4.10.96 is annexed herewith and marked as Annexure-H.

4.11 That immediately after receipt of Annexure-H memorandum dated 4.10.96 on 15.10.96, the applicant made a representation in the same date denying the contentions of the memorandum. In his representation, the applicant made it ~~clear~~

: 7 :



clear that the charges ~~are~~ not clear.

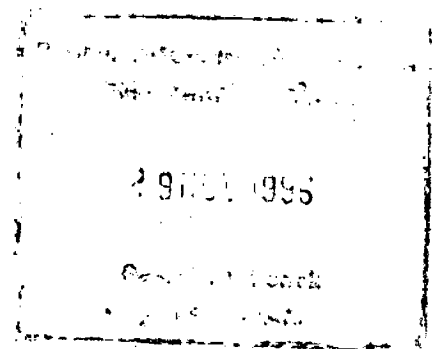
A copy of the said representation dated 15.10.96 is annexed herewith and marked as Annexure-I.

4.12 That the respondents No.4 without giving the applicant a chance and without disposing of the representation (Annexure-I) of the applicant issued him a pay slip of Rs. 767 in place of Rs. 6206/2. In the said pay slip the Respondents have deducted Rs. 5439/= to recover the L.T.C. claim amount without giving the applicant to have his say. The respondents while deducting the said amount have failed to follow their own guidelines, and to that effect the applicant made a representation.

Copies of the pay slip and representation are annexed herewith and marked as Annexure-J & K respectively.

4.13 That the respondents have asked the applicant to resubmit the L.T.C. claim Bill vide Annexure F stating that no documentary evidence has been enclosed and the applicant after receipt of the same resubmitted the same enclosing all the required data as well as documents. As per the Railway Rules after completing the journey the ticket in original is required to return to the Railway authority and the respondents knowing fully well the said Rule have certified his ticket vide Annexure-B verification certificate as well as in a photocopy of the said ticket. The applicant has also submitted the certified ticket alongwith the claim Bill, which bears the PNR No. 110001. Hence

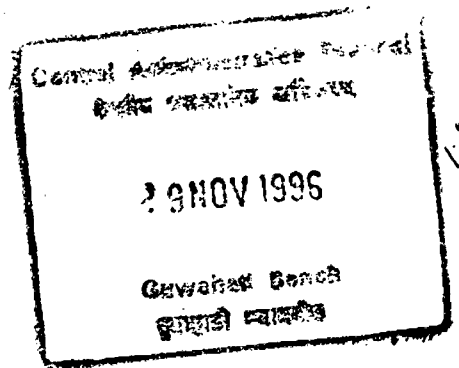
Contd....P/8



there is no earthly reason as to why the respondents have issued the Annexure-H memorandum stating that no documentary evidence was produced by the applicant. Again the applicant in his earlier claim Bill could not produce the leave sanctioned memorandum as the same was received by him after submitting the said claim Bill and hence he resubmitted the same along with the resubmitted Bill.

4.14 That in view of the above facts the acts of the respondents are in violation of the principles of Natural justice and administrative fair play. The law is well settled that before imposing any punishment, the authority concerned is bound to give sufficient time and hearing.

4.15 That as stated above the applicant's pay has been deducted and hence he is now facing a great financial hardship. The ~~lack~~ action/inaction of the respondents in not giving the applicant any chance to represent is in gross violation of the principles of Natural Justice. The applicant therefore has come before this Hon'ble Tribunal for redressal of his grievances by way of filing this application. The applicant prays before this Hon'ble Tribunal to pass an interim order protecting his pay pending disposal of the case as the deduction made by the respondents in violation of principles of Natural Justice and the principles of Balance of convenience lies very much in favour of the applicant.



: 9 :

5. GROUND OF RELIEF WITH LEGAL PROVISION :

5.1. For that the malafide and colourable exercise of power is the foundation of the impugned orders and hence the same is not maintainable in the eye of law.

5.2 For that the impugned order/memorendum (Annexure-H) has been passed by the respondents without considering the resubmitted claim Bill dated 19.3.96 and hence the same is liable to set aside and quashed.

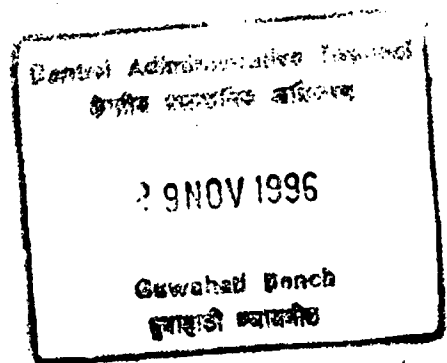
5.3 For that the impugned order (Annexure-H) has been issued by the respondents without giving the applicant at least a chance to represent his case, which is in direct conflict with the proposed principles of Natural Justice and administrative fair play and hence same liable to set aside and quashed.

5.4 For that the impugned (Annexure-H) order has been passed illegally without consulting the relevant rules and provisions.

5.5 For that the respondents have acted illegally while passing the said (Annexure-3) pay slip without giving the applicant at least a chance to represent or to have his say and hence the same is liable to be modified curtailing the deducted part.

5.6 For that the impugned order vide (Annexure-H) has been passed illegally by the respondents which is crystal clear from the figures which includes the amount Rs.750/=

Contd...P/10



against the head of expenditure incurred in Railway Enquiry and hence the same is liable to be set aside and quashed.

5.7 For that in any view of matter the impugned orders are liable to be set aside and quashed as the same are not in conformity with the legal provisions.

The applicant craves leave of this Hon'ble Tribunal to advance more grounds at the time of hearing of this application.

6. DETAILS OF REMEDIES EXHAUSTED :

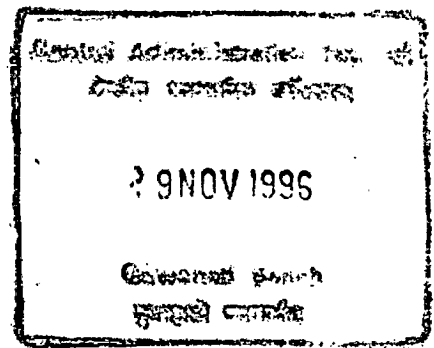
The applicant states that since the order of ~~promotion~~ <sup>legally</sup> has not been issued, ~~and also the due increments were not released,~~ the applicant has submitted his representations and the respondents have refused to accord to his prayers and as such, he has no other alternative remedy except by filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The applicant declares that he has not previously filed any application, suit or writ petition in respect of the subject matter or the application before any other Court, authority or other Bench of this Hon'ble Tribunal.



: 11 :



8. RELIEF SOUGHT FOR :

In view of the facts and circumstances stated above, it is most respectfully prayed that the instant application be admitted, records be called for and after hearing the parties be pleased to pass following reliefs.

8.1 To direct the respondents to withdraw the Annexure-H memorandum.

8.2 To direct the respondents to modify the Annexure-J PAY SLIP; PAYING him the actual pay.

8.3 To direct the respondents to pay compensation and interest.

8.4 Cost of the application.

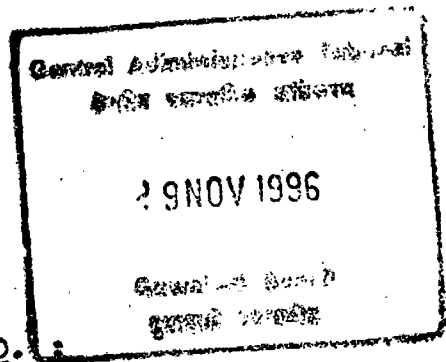
8.5 Any other relief/ reliefs to which the applicant is entitled under the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR :

The applicant further prays for an interim order directing the respondents to modify the Annexure-J pay slip or to pay his actual pay without any deduction, pending disposal of the O.A.

10. The application craves leave of this Hon'ble Tribunal to advance his case in person.

: 12 :



11. PARTICULARS OF THE I.P.O. :

- i. I.P.O. : 8 11444924  
ii. Date of Issue: 27-11-96  
iii. Issued from : Ansam Sachivalaya Post Office  
iv. Payable at : G.P.O. Gauhati.

12. LIST OF ENCLOSURES :

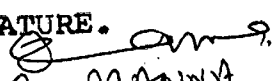
As stated above.

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

I, Shri L.C. Manna, at present working as Wireless Supervisor in the office of the Inter State Police Wireless Station, Dispur, Guwahati-6 do hereby solemnly affirm and verify that the statements made in paragraph 1 to 4 and ~~And~~ 6 to 12 are true to my knowledge as per my legal advice and I have not suppressed any material facts.

And I sign this verification on this the 29 day of November 1996. at Gauhati.

SIGNATURE.

  
L. C. MANNA

- 13 -

Annexure —

A

19

शुभ यात्रा		HAPPY JOURNEY	
श्रेणी CLASS	पी एन आर नं० PNR NO	गाडी नं० TRAIN NO	तिथि DATE
	110001-6022	14-01-96 3569	GHY-IVC-EXPRESS / 12
TICKET NO. टिकट नं० CCC 09597192		JOURNEY, LUN RESERVATION TICKET: 15 CAL-PHS	
GAUHATI		TRIVANDRUM (NT)	
कोच COACH	सीट/बर्थ SEAT/BERTH	लिंग SEX	आयु AGE
A1	26	M	45
A1	27	F	35
A1	28	F	15
A1	29	M	13
A1	30	F	8
A1	25	F	62
BRD A1 GHY UN 14-01		23:15	

THAPAR FORMS

CALCUTTA

Extra. Asst. Director  
Intor State Police Wirelss.  
दिसपुर (असम)  
Dispur (Assam)

29/1/96

-14-                      Annexure - B  
Verification Certificate

This is to certify that  
Sh. L. C. MANNA W/S of this  
Station has purchased the  
R/Ticket on account of his  
> 4 yrs' LTC (1994-97).  
Details as under:

- (1) Date of Journey - 14-01-96
- (2) PNR No. - 110001
- (3) From Gauhati to Trivandrum
- (4) Nos. of Ticket - 6 (Nos)
- (5) Total Amount ~~Rs 12005/-~~  
(Rupees Twelve Thousand &  
five only)

P/copy  
certified  
attached

21/12/95

Station Superintendent,  
Inter State Police Wireless  
S.H.S. Government of India  
DISPUR.

Attg  
21/12

-15-

Annexure - C

20

LOGAL/001.LDC 01/01/00 01:23

TO,

THE DIRECTOR POLICE TELECOMMUNICATION,  
DIRECTORATE OF COORDINATION (POLICE WIRELESS)  
MINISTRY OF HOME AFFAIRS, BLOCK-9  
C.G.O.COMPLEX, LODHI ROAD NEW DELHI-3  
-----

(THROUGH PROPER CHANNEL)

SUB:- DEPARTURE REPORT  
-----

SIR,

WITH REFERENCE TO MY APPLICATION DATED 25-10-95 AND 02-01-96  
(AMENDED) I DO HEREBY SUBMIT MY DEPARTURE REPORT TO-DAY A.N. THE  
13TH DAY OF JANUARY '96 AND PROCEEDING ON E/L FOR 13 DAYS WITH  
EFFECT FROM 15-01-96 TO 27-01-96 WITH USUAL PREFIX/SUFFIX TO UNDER  
TAKE THE JOURNEY OF MY PROPOSED LEAVE TRAVEL CONCESSION FOR THE  
BLOCK YEAR 1994-97 (ALL INDIA).

THIS IS FOR YOUR KIND INFORMNATIONS.

THANKING YOU SIR,

DATE:13.01.96  
PLACE:-DISPUR

YOURS FAITHFULLY,

(L. L. NAINNA) W/S  
ISPW STATION DISPUR  
GUWAHATI-6  
-----

*Handwritten signature and date 20/1/96*

Y<sup>o</sup>

The Director,  
Police Telecommunication  
DCPW, MHA,  
B-9 CGO Complex,  
Lodi Rd. New Delhi-110003

Through Proper channel

Sub: Joining Report:

Sir, With reference to my application dated 2/1/96, I do hereby submit my joining report today forenoon, dated 29th January 96. after availing E/L from 15-1-96 to 27-1-96 while proceeded to all India LFC. This is for your kind information.

Thanking you Sir,

Attested  
29/1/96

29-1-96  
Disputa

Yours faithfully  
L. E. Manoj  
18PW

FROM T.R. 62  
G.A.R. 14-C  
Sub-Bill LTC

CENTRAL  
LEAVE TRAVEL CONCESSION BILL

Note:- This bill should be prepared in duplicate for payment and the other as office copy.

TO BE FILLED IN BY GOVT. SERVANT

PART-A

PLACE: FROM Guwahati HOME-TOWN ALL INDIA  
TO Kanyakumari 1994-97

- Name of Govt. Servant L.C. MANNA
- Desgn. W/S
- Basic Pay Rs. 2050/-
- Station ISPW Disp
- Nature of Leave. E/leave
- Period From 15.1.96 To 27.1.96 (with Pref/Suffix)
- Name of the Home Town declared; Torancewar
- Particulars of Govt. servant/Members of family in respect of whom the leave Travel concession has been claimed :-

S.No. Name (s) Age Relationship

1.	L.C. MANNA	45	Self
2.	Mrs. K. MANNA	35	Wife
3.	Mr. M. MANNA	15	Daughter
4.	Mr. M. MANNA	13	Daughter
5.	Mr. M. MANNA	8	Daughter
6.	Mrs. S. MANNA	62	Mother

- Details of journey(s) performed by Govt servant/Members of his, her family :-

DEPARTURE	ARRIVAL	Dist	Mode	Class	No	Fare	Remarks
Date & Stn. Time	Date & Stn. Time	Kms. Travel			of acc-	of paid Tickets	
14.1.96 2100	14.1.96 2145	8	Auto	-	2100	6000	Receipt attached
14.1.96 2315	17.1.96 1245	3569	Train	ACII	S1	12005	C/Ticket attached
18.1.96 0700	18.1.96 1700	85	Taxi	-	Full Fare	4300	R attached
24.1.96 0600	24.1.96 1700	88	Taxi	-	Full Fare	4400	R attached
25.1.96 1245	28.1.96 1400	3882	Train	ACII	S1	12063	P/Ticket attached
28.1.96 1400	28.1.96 1500	8	Auto	-	2100	6000	R attached

- Amount of advance, if any drawn Rs. 25058/-  
Vide Bill No. 4377, 18.000

- Particulars of journey(s) for which higher class of accommodation than the one to which the Govt. servant is entitled was used.

Sanction No. & Date to be given

PLACE	Mode of conveyance	Class to which entitled	Class No. which traveled	Fare paid Rs.
From : To				

Contd.....2.....

Submitted on 19-3-96  
29/4

11. Particulars of journey(s) performed by road between place connected by rail :-

Name of the Place(s)	Distance	Class to which	Paid fare for
From To	in Kms.	entitled	entitled class
T/V			

Certified that the information as given below is true to the best of my knowledge and belief :-

1. I have not submitted any other claim so far LTC r/o my self or of my family members in ~~xx~~/r/o Block Year 96 &.
2. I have already drawn T.A. for the LTC in r/o a journey performed by me/my with            children. This claim is in respect of ~~xx~~ a journey performed by my wife/my self with            children non be whom travelled with the party on the earlier concesssion.
3. I have not already drawn TA for the LTC in respect of journey performed by me my wife with children none of whom availed of the concesssion relating to the Block year           .
4. I have not already drawn TA for the LTC in respect of a journey performed by me in the year 96 and            in respect Block of Two year 96 and 97. This claim is in respect of the journey performed by me in the year in a prescribed Block of visiting Home Town as all the members of my family are living away from my place of work.
5. The journey has been performed by me/my wife with children            to the declared HOME TOWN, VIZ:           .
6. That my wife / husband is not employed in Govt service that my husband/wife is employed in Govt. service and the concesssion has not been claimed by him/her seperately or him self or for any of the family members for the concerned year of Block Year           .
7. Certified that my wife / husband for whom LTC claimed by me is employed in            (Name of the Public Sector Under taking/Corporation/Automeous Body etc.) Which provides LTC facilities but he has not ~~XXXXXXXXXXXX~~ preferred and ill not prefer any claim in this behalf to his/her employes.
8. Certified that my wife husband for whom LTC is claimed by me is not employed in any Public/Undertaking / Corporation/Autonomous body which provides LTC facilities to its employes and their familyies.
9. I have completed more than one year service before the date of undertaking the journey.
10. Certified that my parents(Father/Mother) for whom I have claimed the LTC is are wholly dependent on me and reside with me, their total monthly income does not exceed Rupees FIVE HUNDRED ONLY per month.
11. Concesssion for one way journey in case of            is claims for outward/inward journey only and I fore go the concesssion in respect of inward/outward journey for the same.
12. Certified that major sons daughters in whose case the LTC has been claimed is/are unmarried residing with and wholly dependent on or me.

Station Dispur

Signature of the GOVT. Servant.

Date. 9-2-96

( Name L. C. A. A. 71241 )



-18-

Annexure - F

24

No.B.12016/1/94/Acct.II/LTC  
Government of India  
Ministry of Home Affairs  
Directorate of Co-Ordination  
(Police Wireless)

CGO Complex, Block No.9,  
Lodhi Road, New Delhi-3

Dated , the 1994.

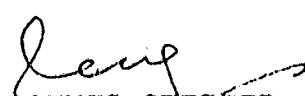
7-3 '96

OFFICE MEMORANDUM

~~AD/EAD/S.S./S.S.O./In-Charge~~ I.S.P.W. Station Dis/SPW  
may please find enclosed herewith LTC Claim of Shri L.C. Manne WIS  
which is returned in original with  
the following observations:-

- a) The claim is not submitted in the prescribed proforma in duplicate (proforma enclosed).
- b) The tickets of Air/Bus/Ship/Steamer are not appended with the claim.
- c) The claim is not signed by the official.
- ✓ d) The certificates are not filled in properly.
- e) The claim submitted after one month of the return journey. (in case of advance only)
- f) The claim submitted after 3 months of the date of return journey hence stands forfeited.
- g) The claim submitted after six months from the date of onward journey.
- ✓ h) No documentary evidence has been attached.
- ✓ i) The PNR No. not mentioned.
- j) The claim submitted without the recommendation of leave granted/sanctioned.
- k) Dependant members are not included in the details of family submitted.

The official may be directed to re-submit the claim after completing ~~it~~ in all respect through proper channel to undersigned at an earliest possible.

  
ACCOUNTS OFFICER  
D.C.P.W

Encl:- LTC Claim

M.M.S/ To Shri L.C. Manne, ISPW Station Dis/SPW  
WIS

*Handwritten note:*  
29/11

तं० ए-13019/1/96-प्रशा०-1

भारत-सरकार, गृह मंत्रालय  
तमन्वय निदेशालय, पुलित्त, जेठार

SI Annexe - G  
262

खण्ड-9, के० त० कार्यालय परिसर,  
लोदी रोड, नई दिल्ली-110003,

दिनांक: 8-2-96

ज्ञा प न

विषय:- छुट्टी कोटमंजुरी

निम्नलिखित कर्मचारियों को नीचे के अनुसार छुट्टी/छुट्टी बढ़ाने की स्वीकृति दे दी गई है:

क्र०सं०	नाम और पदनाम	तैनाती अनुभाग/ कार्यालय	स्वीकृत अवकाश छुट्टी के प्रकार.....ते.....तक	दिनों की संख्या	शेष अवकाश अर्जित अव०	अर्ध वेतन अवकाश		
1	2	3	4	5	6	7	8	9
1.	लक्ष्मण चन्द्र मन्ना, वे०प्र०,	अ०रा०पु०वे०के०,	दिसपुर	आर्जित अवकाश	15/01/96-27/01/96	13	89	84
2.	दलीप कुमार, रे०त०,	"	"	"	10/01/96-28/01/96	19	77	80
3.	रत० रत० यादव, वे०प्र०,	"	"	"	19/02/96-09/03/96	20	67	10
4.	पी० जी० सिंह, त०त०अनु.	इंटा नगर	"	"	16/10/95-08/12/95	54	172	117
5.	अमिताबा रोय, वे०प्र०,	"	"	"	08/01/96-25/01/96	18	125	128
6.	शोकहरण त्रिपाठी, वे०प्र०,	"	"	"	12/02/96-09/03/96	27	153	20
7.	ओम प्रकाश, वे०प्र०,	अइजल	"	"	21/02/96-06/03/96	15	-	10
8.	के० सुरेश कुमार, वे०त०वा०,	"	"	"	06/10/96-30/11/96	56	24	63
9.	लालहिमं गिलानी, त०क०,	"	"	"	09/12/95-22/12/95	14	17	147
10.	रत० के० शुक्ला, रे०त०,	भोपाल	"	"	16/01/96-23/01/96	8	91	86
11.	पी० जे० कुरियाचन, वे०प्र०,	"	"	"	परिवर्तित अव० 31/12/95-07/01/96	8	-	-
					आर्जित अवकाश 08/01/96-10/01/96	3	82	159

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Regd.  
Annexure - H 25

NO.B.17013/1/96-97/Acc.II/LTC  
Government of India  
Ministry of Home Affairs  
Directorate of Coordination  
(Police Wireless )

Block No. 9, CGO Complex,  
Lodhi Road, New Delhi-110003.  
Dt. the 4<sup>th</sup> Oct., 1996.

MEMORANDUM

Sub:- LTC Claim for the Block Year 1994-97 (All India)

.....

Ref:- Letter No.B.17013/1/96-97-DP dated 11.7.96.

.....

Shri L.C.Manna, W/S has submitted the LTC claim for All India for the Block year 1994-97 for self and family.

On scrutiny of the claim, it is seen that the official had not submitted any documentary proof in respect of the mode of travel and class of accommodation actually performed during the journey. He has submitted only the photo-copy of the tickets purchased and nothing else.

An opportunity was given to the official vide letter No.B.12016/1/94-Acc.II/LTC dated 7.3.96 for which the official could not produce any documentary evidence. Hence, the case was referred to Railway Authorities to verify the actual member performed the journey in the copy of the Ticket produced by the official vide PNR No. 110001/Ticket No. 09597192. The Railway authorities have confirmed that no such PNR No. against birth No. 25 to 30 AC/2 Tier sleeper. This shows that Shri L.C.Manna, W/S has claimed a bogus claim with a malafide intention of cheating the Govt. Shri L.C.Manna, W/S is therefore directed to refund a sum of Rs. 21270/- (Rs. 18000+2520+750) at once failing which the same will be recovered from his pay for Oct., 1996 apart from the disciplinary action.

The receipt of this memo may please be acknowledged.

*This claim will be appd. JD.*

*Leary*  
ACCOUNTS OFFICER

To

Shri L.C.Manna, W/S,  
through S.S., ISPW Station,  
DISPUR.

*Received from  
ED Sh. R. E. 24  
on 15-10-96  
15/10/96*

*Atm  
22/11*

To

The Director, Police Telecommunication  
 Directorate of Co-ordination (Police wireless)  
 Ministry of Home Affairs  
 B-9, C.G.O Complex  
 Lodi Rd. New-Delhi - 3

Through proper channel.

Sub: - Ref NO. B17012/1/96-97/ACC II/LTC  
 Dtd 4/10/96.

Sir, With ref to above letter no. B17013/1/96-97/ACC II/LTC Dtd 4-10-96. I do hereby acknowledge the letter on 15-10-96. Your charged memorandum is not clear, not reasoned and detail, as because while submitting the claim and as per procedure in CCS Rule the PNR no. was certified by the then Sr. Supt. Sh. M.R. Mondal and original tickets was shown to EAD Sh. R. Eswar and certified by him.

What sort of documentary proof is necessary apart from this is not understood.

Charge Memorandum does not substantiate any stand what your good office has understood. I have performed my journey accordingly.

If your good office do feel that any further document is necessary that has to be referred in a reasoned complete detailed manner. Charge Memorandum is not clear and not mailed.

Thanking you Sir,

Yours faithfully  
 E.C. Mani  
 15/10/96  
 WTS

File  
 29/10

-22-

Annexure

## D.C.P.W. PAY SLIP

MONTH : OCT '96  
BILL NO : 143EMP. NO : 2020  
NAME : L.C. MANNA, WS  
LF ADDRESS : 4/BL16, SUPER MARKET, DISPUR  
STATION : DISPURPROVIDENT FUND NO : 1013  
WF A/C NO : 0  
LF HEAD : 0083

## EMOLUMENTS

## DEDUCTIONS

## UN OFFICIAL DEDUCTIONS

BASIC	2050	IT	0	WF	0
PP	0	CGHS	20	RECREATION	0
HRA	0	INS	5	ELECTRICIT	0
CCA	0	GPF	1500	MHA	0
DA	3260	PFR	0	INSURANCE	0
BCA	80	FA	0	BANK	0
CCOMP	0	CA	0	BENEVOLENT	0
SDA	256	SA	0	BANK2	0
STER	50	HA	0	BANK 3	0
WA	0	LF	164		
IR	510	PLI	0		
		PEN	0		
		INT	0		
MC	0	TEREC	0		
MC FOR		MD	3750	LTC ADVANCE (1/6)	
		L7FEE ARR	0		
		CAR-ADV	0		
		TB	5439	TUD	0
GROSS	6206	NET	767	TAKEHOME	767

29/11  
 2020

Annexure - K  
THE DIRECTOR POLICE TELECOMMUNICATION  
DIRECTORATE OF COORDINATION ( POLICE WIRELESS)  
MINISTRY OF HOME AFFAIRS  
BLOCK 9, C 6 Q COMPLEX, LODI ROAD NEW DELHI

SUB...REF MEMO NO. B 17013/1//96-97/CC II/LTC DATED  
4 TH OCT 96 AND RECOVERY THEREOF FROM OCT 96

*Thur 10/10/96*

SIR,

WITH REFERENCE TO ABOVE STATED SUBJECT WHICH I  
ACKNOWLEDGED IN THE 15 TH OCT 96 THROUGH E A D DISPUR  
AND TO THAT EFFECT I SUBMITTED MY REPRESENTATION ON  
THAT VERY DAY I.E 15-10-96

CONSEQUENT UPON YOUR ACTIONS I AM TO STATE  
THAT YOUR CHARGE IS NOT CLEAR, AND COMPLETELY VAGUE  
AND BIAS, YOUR GOOD OFFICES HAVE PURPOSELY MOTIVATED  
THE ACTION AGAINST ME CAUSING IMMENSURABLE HARASSMENT  
HARDSHIP AND MENTAL TORTURE UNNECESSARILY

THEREFORE, I HAVE LEFT NO OTHER ALTERNATIVE  
BUT TO RECOURSE AND TO SEEK JUSTICE/ REDRESSAL OF  
GRIEVANCES THROUGH THE LEGAL INSTITUTION. IT IS TO  
FOLLOW ACCORDINGLY. THIS IS FOR YOUR KIND INFORMATION

WITH REGARDS

YOURS FAITHFULLY

DATED...31-10-96  
DISPUR

*31-10-96*  
L C MANNA W/S

COPY TO...EAD/ ZO DISPUR ( B/H )

2. ACCOUNTS OFFICER D C P W
3. JOINT DIRECTOR D C P W
4. DIRECTOR POLICE TELECOMMUNICATION  
D C P W NEW DELHI

*Attn  
29/11*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH  
IN THE MATTER OF :-

O.A. NO. 277/96/

Shri L.C. Manna, ..... Applicant

Union of India and  
Others Respondent

Written statement for and behalf of the  
Respondents No. 1 to 6.

I M.S.Popli, Joint Director in the office of  
the Directorate of Coordination (Police Wireless) New  
Delhi, do hereby solemnly affirm and say as follows.

*That the statements made in*  
(1) *X* Paragraphs 1 to 3 of the application ~~that~~ ~~are~~  
~~statements~~ ~~are~~ ~~admitted~~ *are* admitted.

(2) That with reference to paragraph 4 of the  
application, the respondent beg to state that the  
applicant had applied for LTC advance for his proposed  
journey to visit "Kanyakumari" on 'Any-where India' basis  
from Dispur alongwith his family members consisting of  
Self, wife, 3 daughters and mother aged 15, 13, 8 & 62  
respectively during the month of Nov. 95. An amount of  
Rs.18,000/- was paid to him vide bill No. 4377 dated  
11/95 by respondent 4. The applicant had purchased the  
ticket from Railway Station at Guwahati from Guwahati to  
Trivandrum for the journey to be performed by him on 14-  
01-96 with family members. The Earned Leave of the  
Applicant had been sanctioned by the Respondent No.5 for  
13 days from 15-01-96 to 27-01-96. Accordingly, Applicant

Contd...2/-

IN THE MATTER OF :-

O.A. NO. 27795/4104

Shri J.C. Manna, ..... Applicant

vs

Union of India and ..... Respondent

Others

Written statement for and behalf of the

Respondents No. 1 to 6.

I M.S.Popli, Joint Director in the office of the Directorate of Coordination (Police Wireless) New Delhi, do hereby solemnly affirm and say as follows.

(1) Paragraph 1 to 3 of the application that the statement was in para are admitted.

(2) That with reference to paragraph 4 of the application, the respondent beg to state that the applicant had applied for LTC advance for his proposed journey to visit "Kanyakumari" on 'Any-where India' basis from Dispur alongwith his family members consisting of Self, wife, 2 daughters and mother aged 12, 13, 8 & 62 respectively during the month of Nov. 95. An amount of Rs.18,000/- was paid to him vide bill No.4377 dated 11.95 by respondent 4. The applicant had purchased the ticket from Railway Station at Guwahati from Guwahati to Trivandrum for the journey to be performed by him on 14-01-96 with family members. The Earned Leave of the Applicant had been sanctioned by the Respondent No.2 for 12 days from 12-01-96 to 23-01-96. Accordingly, Applicant



from pre-page-

has submitted his departure report and joining report respectively. The Applicant had submitted his LTC claim on joining at Dispur. And the same was forwarded to Respondent No.4 vide No.B-13011/1/96-DP dated 09-02-96 by respondent No.6. The LTC claim of applicant was returned to him by respondent 4 for want of certain discrepancies which are required to be completed by the applicant. The applicant has re-submitted the claim on 21-03-96. On scrutiny of the claim, it is seen that the applicant has not produced any documentary proof towards the actual performance of the journey except the copy of the ticket purchased by him. Sufficient opportunity was given to the applicant to produce certain documentary proof for the performance of the journey and the applicant has not produced any documentary proof earlier. Leave Travel concession is only a concession extended to the official for availing leave travel during the regular leave, including casual leave, and it is not a right like any other allowances paid such as HRA, GDA, BA etc. The certificate given by the applicant that applicant has actually performed the journey has to be substantiated. But the applicant has failed to submit any documentary proof with the claim. The claim has to be passed after ascertaining the genuineness of the claim of the applicant. As per the O.M. No.F-31011/11/79-Estt(A) dated 6.3.1981 (Ann R-I), if the Controlling Authority is not satisfied about the genuineness of the claim, it is open to it to reject the same. But in the instant case, the matter was referred

Contd....3/-

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from pre-page-

to the Railway Authorities, before taking further action in this matter to verify the correctness about the claim by Respondent No.5. The Railway Authorities had submitted their verification report (Annexure R-II) which is a clear evidence that the applicant had not performed the journey vide PNR No.110001 in AC 2 Tier against berth Nos. 25 to 30 on 14-1-96 by Train No.6322 Down Guwahati-TVC Express alongwith his family members. The applicant has submitted a claim stating that he has performed the journey in the very same ticket, on the very same date. This tantamounts to cheating the Government by playing a fraud to the tune of Rs.18,000/- with a malafide intention taking the advantage of the concession extended to the Central Government Employees. Since the Controlling Authority has determined the genuineness of the claim, and found that the claim is false, the entire amount of advance paid to the applicant plus interest including Railway Expenses on account of verification has been ordered to refund vide Memo. No. B-17013/1/96-97/Acc II/LTC, dated 4.10.96 by respondent No.4. Contrary to the order, the applicant had simply submitted a vague explanation vide his letter dated 15-10-96. In order to safeguard the State interest, and as per the order, the first instalment of Rs.3750/- was recovered from the pay of the applicant in the month of October, 1996. The action of the respondent is therefore, in conformity with the rules and natural justice.

Contd...4/-

from pre-page

(3) That the respondent have no comments to the statements made in paragraph 4.2 of the application.

(4) That the statements made in paragraph 4.3, 4.4 & 4.5 of the application are admitted.

(5) That with reference to para 4.6 of application, the respondents beg to state that the statement of the applicant is misconceived and is not conforming that the applicant and his family undertook the journey in the ticket bearing PNR No.110001 in AC 2 Tier, as per his claim.

(6) That with the reference to paragraph 4.7 of the application, the respondents beg to state that the applicant has submitted only a photocopy of the ticket, which can not be considered genuine in regard to actual performance of the journey. It will not be pertinent to mention that after purchasing the ticket the applicant got cancelled the said ticket and not performed the journey which has been confirmed by Railway Authority vide report dated 26-07-96 (Ann R-II).

(7) That with reference to paragraph 4.8 of the application, the respondents beg to state that since the claim is incomplete without any documentary proof for the performance of the journey, the same was called for.

(8) That with the reference to paragraph 4.9 of the application, the respondents beg to state that as per LTC rules, Leave Travel Concession is admissible

Contd...5/-

from pre-page

only during regular leave or Casual leave. The applicant had not mentioned the nature of leave, the same was called for.

(9) That with the reference to paragraph 4.10 of the application, the respondents beg to state that as per the verification report received from the Railway Authorities, the claim was found to be false and hence the applicant was informed about the same vide Memo dated 4.10.96 (Annexure R-III).

(10) That with the reference to paragraph 4.11 of the application, the respondents beg to state that the applicant has submitted only an explanation dated 15.10-96 which is vague and unjustified (Annexure R- IV).

(11) That with the reference to paragraph 4.12 of the application, the respondents beg to state that the applicant was offered ample reasonable opportunity by the respondents, but all in vain. Moreover the applicant had not exhausted the required channel and gone for legal action which is contrary to the CAT Rules. Since the applicant has not followed the Rules and regulation of the Government of India, the respondent No.4 had to initiate the course of action, which was informed to him. The deduction of the amount from the pay of the applicant is justified and is in conformity with the rules.

Contd....6/-

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from pre-page

(12) That with the reference to paragraph 4.13 of the application, the respondents beg to state that the statement of the applicant is true to the extent that the original tickets are required to be surrendered with the Railway Authorities at the destination point. While scrutiny the LTC claim of the applicant, the Controlling Authority was not satisfied itself about the genuineness of the claim. Therefore, the said ticket bearing PNR No.110001 was got verified by Railway Authorities. In turn the Railway Authorities vide their letter No.CTI/MISC/GHY/960 dated 26-7-96 informed that no such type of PNR No.110001 against Berth No. 25 to 30 was issued, whereas the other passengers performed the journey in the above mentioned berth and their names are appearing in Chart Sheet received with the letter dated 26-7-96 (ANN R-II ). Therefore, the contention of the applicant that he performed the actual journey is not correct.

(13) That with the reference to paragraph 4.14 of the application, the respondents beg to state that the statement of the applicant is misleading. The applicant was given all chances to submit and substantiate the correctness of his claim which is required under rules. But he has already failed to submit documentary evidence of the journey from Guwahati to Kanyakumari. The recovery imposed is only the amount which applicant had already drawn from the Respondent No.4 during November, 1995 and failed to utilise the same for the purpose of LTC by not performing the journey as confirmed by

Contd....7/-

from pre-page

Railway Authorities vide letter dated 26-7-1996 (Ann R-II ). It has also been verified and found that the applicant with a malafide intention to cheat the Government had suppressed all the facts and presented false claim, which is unjust and unfair.

(14) That with reference to paragraph 5.1 of the application, the respondents beg to state that the contention of the applicant that there is colourable exercise of power by Respondent is quite baseless and unfounded. The applicant was given reasonable opportunity to prove that his claim is genuine after conforming by the Railway Authorities that the applicant did not perform the journey against ticket No.09597192 and PNR No.110001 vide their letter dated 26-7-96 (Ann R-II).

(15) That with reference to paragraph 5.2 of the application, the respondents beg to state that the application of the applicant was issued to him after getting confirmation from the Railway Authorities that applicant did not perform the journey against the ticket No.09597192 and PNR No.110001 on 14-1-96 (Ann R-II ). Since the interest of the State is to be watched, because a sum of Rs.12,000/- was paid to the applicant from the Public Fund for the performance of journey towards 4th year L.T.C., whereas he failed to perform the journey. Therefore, recovery is necessitated in view of the above clarification.

Contd...8/-

from pre-page

(16) That with the reference to paragraph 5.3 of the application, the respondents beg to state that it has already been confirmed by the Railway Authorities that the applicant did not perform the journey, therefore, the deduction of the amount of Rs.3750/- has been commenced against the advance of LTC. Before going to this Hon'ble CAT, the applicant could have represented to the Respondent in regard to the genuineness of his claim, but he failed to do so which is not understood. There is not violation of natural justice as alleged by the applicant, because public money cannot be allowed to enjoy in any manner except for the purpose for which the same has been paid. An opportunity was also given by the Respondent No.4 vide letter No.12016/1/94/Acc-II/LTC dated 7-3-96 (Ann R-V ) to prove the genuineness of the claim.

(17) That with the reference to paragraph 5.4 of the application, the respondents beg to state that the issuance of letter No.17013/1/96-97/Acc-II/LTC dated 4-10-96 (Ann R-III ) to the applicant is in order and nothing is irrelevant and unjustified.

(18) That with reference to paragraph 5.5 of the application the respondents beg to state that on having come to know that a sum of Rs.3750/- has been deducted from the pay of the applicant for the month of October, 1996 he could represent to the Respondent by stating the factual position instead of going before the Hon'ble CAT, but he did not do so and is blaming the

Contd....9/-

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from pre-page

Respondent without any resume or reason. The deductions is in order and just.

(19) That with the reference to paragraph 5.6 of the application, the respondents beg to state that the Controlling Authority is competent to get verified the doubtful claim of LTC, if the controlling Authority itself is not satisfied about the genuineness of the claim. Since the Controlling Authority felt that the claim is not genuine the Respondent (Controlling Authority) approached the Railway Authorities with the request to intimate the factual position of the journey performed against Ticket No.09597192 and PNR No.110001. The verification report of Railway Authorities submitted vide their letter dated 26-7-96 has gone contrary. The applicant did not perform the journey, therefore, the expenditure of Rs.750/- incurred towards verification is to be naturally borne by the applicant.

(20) That with reference to paragraph 5.7 of the application, the respondents beg to state that whatever the steps been taken by the Respondent are in public interest to the safeguard the public money and the same cannot be spent by anyone accordingly to his inclination. As such, the action of the Respondent is legal and just. The applicant is not having any solid reason/ground to be heard by this Hon'ble Tribunal. Therefore, this Hon'ble Court is requested to dismiss the D.A. with cost.

Contd...10/-



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from pre-page

(21) That with the reference to paragraph 6 of the application, the respondents beg to state that the applicant has failed to exhaust the available remedial measure as required in CAT Act. Moreover, the applicant has departed from the original subject matter and is giving irrelevant statement, which is not concerned at all with the issue taken in the D.A. Hence this D.A. may kindly be dismissed in limina.

(22) That the respondents have no comments with statements made in paragraph 7 of the application.

(23) That with the reference to paragraph 8.1 of the application, the respondents beg to state that the applicant to his D.A. has been constructed by the Respondent on the facts in conformity/verification sought from Railway Authorities regarding the performance of the journey. Hence, this same may be treated as good in the interest of the justice.

(24) That with the reference to paragraph 8.2 of the application, the respondents beg to state that the applicant has drawn advance of Rs.18000/- towards LTC, whereas he has failed to perform actual journey as confirmed by Railway Authorities (Ann R -II ). Therefore, the recovery of the said amount plus interest including Railway charges against verification of the ticket is necessary to be deducted from the pay of the applicant.

(25) That with the reference to paragraph 8.3 of the application, the respondents beg to state that the

Contd....11/-

from pre-page

contention of the applicant is baseless, illegal and unjustified.

(26) That with the reference to paragraph 8.4 of the application, the respondents beg to state that the D.A. of the applicant may please be dismissed with cost at the admission stage, because the applicant has drawn advance towards LTC, but he did not perform the journey as confirmed by the Railway Authorities (Ann R-II ).

(27) That the respondents have no comments to the statements made in paragraph 8.5 of the application.

(28) That with the reference to paragraph 9 of the application, the respondents beg to state that in view of the clarification given in preceeding portion in the counter affidavit, the interim-relief ordered by this Hon'ble Tribunal to keep the recovery in abeyance on account of LTC advance may kindly be vacated which will be in the interest of natural justice.

(29) That the respondents have no comments to the statements made in paragraph 10 of the application.

(30) That the respondents have no comments to the statements made in paragraph 11 of the application.

(31) That the applicant is not entitled to any relief sought for in the application and the same is *liable* ~~thereby~~ to be dismissed with cost.

12 (25) ul

VERIFICATION

I, M.S. Popli working as Joint Director in the office of the Directorate of Coordination (Police Wireless), Ministry of Home Affairs do hereby declare that the statements made in this written statement are true to my knowledge arrived from the records of the case.

I sign this verification of this the 14th day of February 1997 at New Delhi.

*M.S. Popli*  
14-2-97  
Deponent.

O.M. No. F. 31011/11/79-Estt. (A), dated 6-3-1981

Subject:—*Determination of the genuineness of the claim.*

The undersigned is directed to refer to M.H.A., O.M. No. 43/5/57-Estt. (A), dated 11-12-1958 (*Order No. 7*) and to say that according to the aforesaid O.M., the Controlling Authority can, while accepting the L.T.C. claim of a Government servant, relax requirements of minor nature such as production of cash receipts, serial number of tickets, etc., if he is otherwise satisfied about the genuineness of the claim. In view of this provision, doubts have been expressed by various Ministries/Departments as to whether it is obligatory on the part of the Controlling Authority to enclose cash receipts, tickets, serial number of tickets, etc., produced by the Government servant in support of his claim, when the bill is sent to the Accounts Officer, or any other authority prescribed in this regard, for payment. The question has been considered in consultation with the Controller-General of Accounts and it has been decided that in order to enable the Accounts Officer to check the correctness of the calculations made in respect of an L.T.C. claim as to whether it is with reference to the shortest direct route and also to enable him to check the entitlement by applying the prescribed formula in cases where journeys have been performed by more than one mode of transport, the L.T.C. claim sent to the Accounts Officer should invariably be accompanied by the evidence produced by the Government servant in support of his claim. Where any relaxation is granted by the Controlling Authority a certificate to this effect, indicating the nature of relaxation should also be enclosed on the claim.

2. Another related question has also arisen. As all the Ministries/Departments are aware, the Railways have discontinued the practice of issuing money receipts for the journey tickets purchased by the passengers. In view of this, a genuine difficulty is faced by Government servants in the production of railway cash receipts in support of their claims under the L.T.C. Scheme. The view has also been expressed in some quarters that it may be difficult for the Controlling Authorities how to satisfy themselves about the genuineness of the claim in the absence of railway cash receipt, for journeys by train.

3. The matter has been considered in consultation with the Ministries of Finance and Railways. The Ministry of Railways are not in favour of restoring the arrangements for issuing money receipts for the tickets purchased. However, attention is invited to this Department O.M. No. 31011/4/78-Estt. (A), dated 1st September, 1978, (*Order No. 35*) which stipulated that where L.T.C. advance has been drawn, the Government servant should produce railway cash receipts within ten days of the drawal of advance to the competent authority to show that he has actually utilized the amount to purchase the tickets. Now that the Railways have discontinued the practice of issuing cash receipts for journey tickets, the

(Amend R-I) ~~ANNEXURE E I~~ (33) 14  
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COPIES OF ORDERS

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Government servant should produce the railway tickets within ten days of the drawal of the advance. Where no advance has been drawn, it will be sufficient if a Government servant indicates the ticket numbers in his claim, as already provided in the existing instructions.

4. As regards the satisfaction of the Controlling Authority regarding the genuineness of the claim in the absence of cash receipts, the Controlling Authority can satisfy itself by verifying the claim with reference to the evidence actually produced by the Government servant in support of his claim. If the Controlling Authority has any reason to doubt the genuineness of the evidence produced by the Government servant in support of his claim, it can ask the Government servant to produce such other evidence as may be considered necessary to substantiate his claim. If the Controlling Authority is still not satisfied about the genuineness of the claim, it is open to it to reject it.

5. Further, a Government servant has to certify about the journey having been performed by the class of accommodation/mode of conveyance for which the claim has been preferred. If this certificate is found to be false in any particular case, the Government servant concerned can be proceeded against departmentally. A full probe can also be made, wherever necessary, by the Controlling Authority to satisfy itself about the genuineness of the claim. If the claim is found to be false, disciplinary action can be taken against the Government servant concerned.

6. Apart from the general principles enunciated in paras. 4 and 5 above, the Controlling Authority can also have recourse to the procedure indicated in the special instructions like those contained in this Department Office Memorandum No. 31011/8/79-Estt. (A), dated 25-1-1980, (Order No. 39).

*Attended*

*RH Chandra*

Adl. Central Govt.  
Standing Counsel.

From - Chief Ticket Inspector's office.  
NEW DELHI

ANNEXURE  
A-II

TO  
The Extra Assistant Director,  
Intell. State Police, Assam  
Dispur, Assam.

Subj - Verification of the train.  
Ref - JS 17013/1/96-2P, Govt of India,  
Ministry of Home Affairs.

In reference to your letter mentioned  
above I would like to inform you  
that as per our working final  
verification chart by 12.11.96  
of 11/7/96 in AC 212 sleeper class  
verified and found no such type  
of TNR NO-110001 against both nos.  
25 to 30. The names and ticket nos  
of the passengers against such numbers  
were as follows:

25. GARY LAWRENCE	11/7/96
26. STEFF	11/7/96
27. M. H. DINES	11/7/96
28. B. M.	11/7/96
29. BENISORAT	11/7/96
30. K. BALAKRISHNAN	11/7/96

Encl - 1 (one) zero copy of reservation chart

27/11/96  
Chief Ticket Inspector,  
N. E. Railway, Guwahati

A copy forwarded to SE/GM for information.

sch  
27/11

Walter  
R.H. Chumbley  
Adm. Control Govt.  
Standing Council

17

Block No. 9, CGO Complex,  
Lodhi Road, New Delhi-110003. yb  
Dt. the 4<sup>th</sup> Oct., 1996.

MEMORANDUM

Sub:- LTC Claim for the Block Year 1994-97 (All India)  
.....

Ref:- Letter No.B.17013/1/96-97-DP dated 11.7.96.  
..... Head: 8658 Head of A.

Shri L.C.Manna, W/S has submitted the LTC claim  
for All India for the Block year 1994-97 for self and family.

On scrutiny of the claim, it is seen that the official  
had not submitted any documentary proof in respect of the  
mode of travel and class of accommodation actually performed  
during the journey. He has submitted only the photo-copy  
of the tickets purchased and nothing else.

An opportunity was given to the official vide letter  
No.B.12016/1/94-Acc.II/LTC dated 7.3.96 for which the official  
could not produce any documentary evidence. Hence, the case  
was referred to Railway Authorities to verify the actual  
member performed the journey in the copy of the Ticket  
produced by the official vide PNR No. 110001/Ticket  
No. 09597192. The Railway authorities have confirmed that  
no such PNR No. against birth No. 25 to 30 AC/2 Tier sleeper.  
This shows that Shri L.C.Manna, W/S has claimed a bogus  
claim with a malafide intention of cheating the Govt.  
Shri L.C.Manna, W/S is therefore directed to refund a sum  
of Rs. 21270/- (Rs. 18000+2520+750) at once failing which the  
same will be recovered from his pay for Oct., 1996 apart  
from the disciplinary action.

The receipt of this memo may please be acknowledged.

*This claim will be apptd - J.D.*

*Leary*  
ACCOUNTS OFFICER

To

Shri L.C.Manna, W/S,  
through S.S., ISPW Station,  
DISPUR.

*Received from  
Sh. R. E. 114  
on 15-10-96  
1996*

*Attested  
J.K. Chandra*  
Addl. Central Govt.  
Standing Counsel.



To

The Director, Police Communication,  
DCPW, MHA,  
B-9, CGO Complex,  
Lodi Road,  
New Delhi - 3

Through Proper Channel.

Sub :

Ref. No. B 17013/1/96-97/ACC-II/LTD  
dated - 4th October, 1996.

Sir,

With reference to above letter No. B 17013/1/96-97/  
Acc-II/LTD dated 4.10.96, I do hereby acknowledge the letter on  
15.10.96. Your Charged Memorandum is not clear. Not reasoned  
and detail, as because while submitting the claim and as per  
procedure in CCS Rule the PNR No. was certified by the then  
Station Superintendent Shri M.K. Mandal and original Ticket was  
shown to EAD Shri R. Ekka and certified by him.

What sort of documentary proof is necessary apart  
from this is not understood.

Charge Memorandum does not substantiate ~~charge~~ any  
stand what your good offices has understood. I have performed  
my journey accordingly.

If your good offices do feel that any further document  
is necessary that has to referred in a reasoned complete detailed  
manner. Charge Memorandum is not clear, and not merited.

Thanking you Sir,

Yours faithfully,

*Attested*  
*Adl. Central Govt.*  
*Standing Counsel.*

( *L.C. Manna* )

17/5 15-10-96

19  
No.B.12016/1/94/Acct.II/LTC  
Government of India  
Ministry of Home Affairs  
Directorate of Co-Ordination  
(Police Wireless)

CGO Complex, Block No.9,  
Lodhi Road, New Delhi-3

Dated , the 1994.

7-3-96

OFFICE MEMORANDUM

AD/EAD/S.6./S.5.0/In-Charge I.S.P.W. Station Dis/2207  
may please find enclosed herewith LTC Claim of Shri L.C. Manna which is returned in original with  
the following observations:-

- a) The claim is not submitted in the prescribed proforma in duplicate (proforma enclosed).
- b) The tickets of Air/Bus/Ship/Steamer are not appended with the claim.
- c) The claim is not signed by the official.
- ✓ d) The certificates are not filled in properly.
- e) The claim submitted after one month of the return journey. (in case of advance only)
- f) The claim submitted after 3 months of the date of return journey hence stands forfeited.
- g) The claim submitted after six months from the date of onward journey.
- ✓ h) No documentary evidence has been attached.
- ✓ i) The PNR No. not mentioned.
- j) The claim submitted without the recommendation of leave granted/sanctioned.
- k) Dependant members are not included in the details of family submitted.

The official may be directed to re-submit the claim after completing it in all respect through proper channel to undersigned at an earliest possible.

*Leung*  
ACCOUNTS OFFICER  
D.C.P.W.

Encl:- LTC claim

To: Sh. L.C. Manna, ISPW Station Dis/2207

M.M.S/

*Attest*  
*Sh. Chandra*  
Asst. Control Genl  
Standing Council