

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 582/2015

This the 8th day of August, 2016

Hon'ble Shri K.N. Shrivastava, Member (A)

Dr. Dewa Ram Bajya
S/o Shri Hira Lal Jat
VPO-Sirsi (Bajya Ki Dhani) Lunwa
Tehsil-Nawa City District Nagpur 341509
Aged about 36 years
Rajasthan Applicant

(By Advocate: Shri Vaibhav Kalra with Shri Jasbir Bidhuri)

Versus

1. The Director
Institute of Pesticide formulation
Technology, Sector 20, Udyog Vihar
Gurgaon 122016.
2. The Secretary, Department of
Petrochemical and Chemical (DCPC)
Ministry of Chemicals and
Fertilizers, Shashtri Bhawan
New Delhi. Respondents

(By Advocate: Shri Rajinder Nischal for R-1)

ORDER(ORAL)

This OA has been filed under Section 19 of the Administrative Tribunal Act, 1985 by the applicant praying for the following reliefs:

"i) to direct the Respondent No.1 to refund the amount illegally deducted from the salary of the applicant from the month of April 2014 till date;

- ii) to award the remaining amount of Rs.10796/- in favour of the Applicant incurred by the Applicant at the time of undertaking the journey;*
- iii) to grant the applicant simple interest of 9% per annum;*
- iv) to grant cost of litigation to the Applicant;*
- v) pass such further order(s) and/or give direction(s) as deemed fit and proper in the facts and circumstances of the case."*

2. The brief facts of the case are as under:

- a) The applicant joined Institute of Pesticide Formulation Technology (IPFT) – respondent No.1 in the year, 2011 at the post of Specialist Bio-Science, as a direct recruit. As per the rules of IPFT, the applicant was entitled for LTC; in a block period of 4 years- 3 home town LTC and one All India LTC. The LTC Rules provided that a home town LTC can be converted to LTC North-Eastern Region/Jammu&Kashmir (NER/J&K) with the approval of the competent authority. The applicant got his home town LTC for the year 2012 converted to LTC to J&K.
- b) In the year 2013, the applicant applied for All India LTC for travelling to Mumbai which was duly sanctioned and he was also allowed to draw an advance of Rs.96,500/- in respect of self and his family. After availing the All India LTC to Mumbai, he submitted his TA bill to respondent No.1. According to

which, after adjusting the advance of Rs.96,500/-, a sum of Rs.10,796/- was still payable to him by IPFT.

c) Instead of paying him the balance of Rs.10,796/-, respondent No.1 held that his availing of 2nd All India LTC to go to Mumbai was against the LTC rules and hence the advance paid to him, has to be recovered. The respondent No.1 started recovery @ Rs.5000 per month from the salary of the applicant. Aggrieved by said action of the respondent no.1, the applicant has filed the instant OA.

3. Pursuant to the notice, respondent No.1 entered appearance and filed his reply. The applicant thereafter filed his rejoinder. On the completion of pleadings, the matter was taken up for hearing the arguments of the parties on 08.08.2016. Shri Vaibabh Kalra with Shri Jasbir Bhiduri, learned counsel for the applicant and Shri N.K. Singh learned counsel for the respondents argued the case.

4. Learned counsel for the applicant submitted that as per the LTC Rules, the applicant was entitled to 3 home town LTC and one All India LTC . It was also submitted that as per rules, with the approval of the competent authority, LTC to home town was convertible to All India LTC. Availing such facility, the applicant went to J&K in the year 2012 by converting one home town LTC. Learned counsel emphatically submitted that the applicant was entitled to All India LTC in the year 2013 and accordingly availing the same, he went to Mumbai with his family after drawing LTC an advance of Rs.96,500/-. He said that the action of respondent No.1 in treating the All India LTC availed by the

applicant to go to Mumbai against the rules was not justified and hence, applicant is entitled for the grant of reliefs as prayed for in the OA.

5. Per contra, the learned counsel for the respondent No.1 submitted that as per Rule 8 GIDs (1)&(2), fresh recruit to Central Govt are allowed to travel to their home town along with their families on three occasions in a block of four years and to any place in India on the fourth occasion. Hence, action of the applicant to avail All India LTC in the 2nd year itself i.e. 2013 was against the said rule. It was also submitted that the new rules were communicated to the applicant. Hence, action of the respondent no.1 in treating the LTC availed by the applicant to go to Mumbai by availing LTC for the 2nd year being not in accordance with the rules, is not flawed. Recovery order from salary of the applicant towards the advance of Rs.96,500/- given to him is justified and hence the OA is liable to be dismissed, Shri Rajinder Nischal submitted.

6. I have considered the arguments put forth by the learned counsel for the parties and also perused the pleadings and documents annexed thereto.

7. Admittedly, as per the earlier LTC rules, after completion of one year service, the applicant was entitled to avail LTC; three home town LTC and one All India LTC in a block period of 4 years. The rule also provided for conversion of home town LTC into LTC to NER/J&K. The applicant has availed the home town LTC to go to J&K in the year, 2012 after getting permission for conversion from the competent authority.

8. The applicant was entitled for one All India LTC in the block year of 4 years. He has availed that by travelling to Mumbai with his family in the year 2013. At the time of his drawing LTC advance, he has intimated very clearly in his application to respondent No.1, that availing LTC he, along with his family, will go to Mumbai. Accordingly, an advance of Rs.96,500/- was sanctioned to him by respondent no.1. The contention of learned counsel for the respondent No.1 that the new LTC rules allowed a Central Govt. employee to travel to his home town on 3 occasions in the first 3 years in a block of 4 years and in the 4th year once to any place in India whereas the applicant has availed the All India LTC in the 2nd year itself, which is against the rules, is beyond comprehension, to say the least. How does it matter if a Govt. servant avails All India LTC in the 2nd year or the 3rd year in the block period of 4 year. As long as All India LTC is availed just once in the block year of 4 years, it should make no difference to the respondents.

9. I take special note of the fact that respondent no.1 was fully aware that the applicant was availing All India LTC to go to Mumbai with his family in the year 2013. LTC advance also sanctioned to the applicant by respondent No.1. If the proposed availment of All India LTC in the year 2013 was against the rules, respondent No.1 was obliged to bring the same to the notice of the applicant. Having failed to do so, the respondent No.1 is not justified to term the availment of All India LTC by the applicant in the year 2013 against the rules.

10. In view of the discussions in the forgoing paras, I ,issue the following directions to the respondent No.1:-

- (i) To treat the availment of All India LTC by the applicant with his family in the year 2013 to go to Mumbai as valid.
- (ii) To release the balance amount of Rs.10,796/- to the applicant vis-a vis his TA bills regarding the said LTC.
- (iii) To refund any amount recovered from the salary of the applicant towards the LTC advance.

10. The above directions shall be complied with by the respondent No.1 within a period of 3 months from the date of receipt of a copy of this order.

11. With the above directions, the OA is allowed. No order as to costs.

(K.N. Shrivastava)
Member(A)

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