

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 3491/2013

New Delhi this the 27th day of April, 2017

HON'BLE MR. P.K. BASU, MEMBER (A)

Philip Thanglienmang,
S/o Late Shri T. Thangkhokam,
R/o 48, Delhi Govt. Officers,
Greater Kailash-I,
New Delhi-110048.

.. Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

Govt. of NCT of Delhi & Ors. through

1. The Chief Secretary,
Govt. of NCT of Delhi,
New Secretariat,
I.P. Estate, New Delhi.
2. The Registrar,
Cooperative Societies,
O/o RCS, Govt. of NCT of Delhi,
Parliament Street,
New Delhi.

.. Respondents

(By Advocate : Shri B.N.P. Pathak)

ORDER (ORAL)

The applicant, Shri Philip Thanglienmang, is a DANICS officer and serving as Additional Director (Employment). He travelled to his home town – Imphal availing Leave Travel Concession (LTC) for the Block Year 2006-2009 extended upto 31.12.2010.

2. The applicant was given an LTC advance of Rs.1,35,000/- for travel and leave encashment amounting to Rs.14,476/-. The controversy arises only because the rules required a Govt. servant to travel by Air India whereas the applicant had travelled by a private airlines.

3. It is the case of the applicant that there was a delay in grant of LTC advance to him and by that time Air India tickets were not available. It is also stated in the respondents' reply that while he had applied for LTC advance on 06.10.2010, the payment of advance was made on 30.11.2010, i.e. after more than a month.

4. Learned counsel for the applicant also drew my attention to O.M. dated 19.07.2011 of Govt. of NCT of Delhi, which provides as follows:

“The competent authority has decided to grant one-time relaxation in those cases in respect of which the tickets were booked upto June 13, 2011, from agencies other than the authorized/notified ones.”

However, this does not address the issue of travel by Air India vs. private airlines and is thus not relevant.

5. Heard the learned counsel for both sides and perused the pleadings.

6. Admittedly, the officer belongs to the North-Eastern Region (Imphal) and he was going home on LTC. Only when he failed to get an Air India ticket due to the delay in sanction of advance, he opted to go by some private airlines. It may be noted that under the LTC Rules, a Govt. servant can visit his home town once in two years. It is also well known that travelling from Imphal to Delhi and back is expensive, especially for a salaried person. The Govt. has also been encouraging people of the North-East to take up jobs in the main land for better national integration. It is also admitted that the applicant did travel to Imphal and come back.

7. In these circumstances, to recover the amount already spent by him in the travel and, on top of that, also require to refund the leave encashment amount is nothing but missing the woods for the trees. Such attitude would discourage young men and women from the North-East to take up jobs in Delhi, Mumbai, Bangalore and other important job centres, so very far from their homes.

8. In view of the above facts, the O.A. is allowed and orders dated 30.11.2012, 07.09.2012, 05.03.2013 and 28.06.2013 are quashed and set aside. However, the applicant being a responsible Govt. servant should in future obtain prior permission before travelling by private airlines. In the counter reply, the respondents in para 4.11

have stated that the actual expenditure of travel was only Rs.64,757/- out of the advance of Rs.1,35,000/-. The applicant is directed to submit his T.A. bill showing actual expenditure on air fare along with necessary documentation, as required under the rules and refund the excess amount, if any, to the respondents within a period of one month from the date of receipt of a copy of this order. Thereafter, the respondents shall finalise this matter as directed within a period of 15 days therefrom. No order as to costs.

(P.K. BASU)
MEMBER (A)

/Jyoti/