

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.3493 OF 2014

New Delhi, this the 9th day of February, 2016

CORAM:

HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER

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Sh. Bimal Kumar Arora,
Aged about 50 years,
s/o late Sh.Amrit Krishan Arora,
R/o BB/29-B, Janakpuri, New Delhi í í . Applicant

(By Advocate: Shri T.D.Yadav)

Vs.

1. Govt. of NCT of Delhi,
Through Chief Secretary,
I.P.Estate, Delhi Secretariat,
New Delhi.
2. The Lieutenant Governor,
Raj Niwas, GNCT of Delhi,
Raj Niwas Road, Delhi 110054
3. The Medical Superintendent,
Deen Dayal Upadhyay Hospital,
GNCT of Delhi,
Hari Nagar, New Delhi.
4. The Office Superintendent (Admn.),
Establishment Branch,
Deen Dayal Upadhyay Hospital,
Hari Nagar,
New Delhi 110064 í í Respondents

(By Advocate: Shri Anmol Pandita for Shri Vijay Pandita)

ORDER

In this Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for setting aside and quashing the order dated 4.8.2014 (Annexure A) whereby his LTC Claim has been rejected by the respondents since the air tickets for performing air journey were not purchased by him as per the Government of India, Ministry of Finance, Department of Expenditure, O.M. No.19024/I/2009-E.IV, dated 16.9.2010. He has also prayed for a direction to the respondents to pay LTC claim amount of Rs.28,560/- along with interest @ 18% per annum thereon.

2. In brief, the undisputed facts of the case are that the applicant was initially appointed as Statistical Investigator on 23.10.1989. On completion of 12 years of service in the grade of Statistical Investigator, he worked as Statistical Assistant with effect from 23.10.2011. Again, on completion of 20 years of service, he was granted the pay scale of Research Officer, i.e., PB-2 Rs.9300,34800/- and Grade Pay of Rs.4600/- with effect from 23.10.2009, and is presently working as Statistical Assistant. He availed of Home Town LTC for the block period 2010-13 to visit Pahalgam, Jammu & Kashmir, during the period from 24.3.2013 to 31.3.2013, along with his family members. He purchased tickets from Kandhari Travels (P) Ltd., 9, Sudej Market, G.T.Road, Jalandhar 144001, for performing air journey from Amritsar to Srinagar, and back, by SpiceJet airlines. He and his family members performed the air journey from Amritsar to Srinagar, and

back, by SpiceJet airlines, besides performing journey by rail, taxi, and bus in between the headquarters, i.e., Delhi, and the declared place of visit, i.e., Pahalgam. On completion of journey, the applicant submitted LTC claim for Rs.28,560/-, along with copies of e-tickets, boarding passes, etc.. His LTC claim has been rejected by the respondents, vide order dated 4.8.2014 (Annexure A), since the tickets were not purchased by him as per the Government of India, Ministry of Finance, Department of Expenditure, O.M. No.19024/I/2009-E.IV, dated 16.9.2010.

3. It is contended by the applicant that since the air tickets for journey from Delhi to Srinagar were not available, he performed the air journey from Amritsar to Srinagar, and back, and purchased the air tickets through Kandhari Travels (P) Ltd., Jalandhar 144001, which is an IATA Agent approved by the competent authority. The payment of cost of the air tickets was made by him to the said travel agent in the shape of cheque. As per the information available on the website of the SpiceJet airlines, the amount paid by him to the travel agent represents the exact cost of the air tickets. He has not claimed any excess amount of fare for the air journey. Despite his clarifying the above position, vide his representation dated 8.8.2013 (Annexure E), the respondents have rejected his LTC claim. Thus, according to the applicant, the respondents have acted illegally and arbitrarily, and the Tribunal should quash the impugned order and direct the respondents to settle his LTC claim and pay interest @ 18% p.a. thereon.

4. During the course of hearing, Shri T.D.Yadav, the learned counsel appearing for the applicant, filed copies of a deed of guarantee executed by the State Bank of India, Jalandhar, in favour of the International Air Transport Association (IATA), at the request of Kandhari Travels (P) Ltd.; a letter dated 1.7.2013 issued by IATA accrediting Kandhari Travels (P)Ltd., Jalandhar, as their agent; Certificate of Accreditation issued by IATA in favour of Kandhari Travels (P) Ltd.; letter dated 10.4.2010 addressed by the applicant requesting SpiceJet airlines to confirm purchase of tickets by him; and the letter dated 11.4.2015 sent by the Senior Executive-Customer Experience, SpiceJet Ltd., confirming the purchase of air tickets and journey performed by the applicant and his family members on 25th and 29th March, 2013, and indicating the cost of the air tickets as Rs.26,300/- .

5. *Per contra*, Shri Anmol Pandita for Shri Vijay Pandita, the learned counsel appearing for the respondents, submitted that since Kandhari Travels (P) Ltd. has not been recognized by the Government of India, the purchase of air tickets by the applicant from the said agency cannot be said to be permissible on the basis of the documents produced by Shri T.D.Yadav, the learned counsel appearing for the applicant.

6. The O.M. No. O.M. No.19024/I/2009-E.IV, dated 16.9.2010, issued by the Government of India, Ministry of Finance, Department of Expenditure, is reproduced below:

Office Memorandum

Subject: Guidelines on Air Travel on Tours/LTC.

This Department is receiving repeated references seeking clarifications with regard to purchase of Air tickets through authorized agents and relaxation for travel by Airlines other than Indian Airlines. The following guidelines may be noted for compliance.

1. On Official Tours:

- (i) For travel by Airlines other than Air India because of operational or other reasons or on account of non-availability of Air India flights, individual cases for relaxation to be referred to M/o Civil Aviation, as stated in this Ministry's O.M. No.19024/1/2009-E.IV dated 13.07.09.
- (ii) Air Tickets may be purchased directly from Airlines (at Booking counters/Website of Airlines) or by utilizing the services of Authorized Travel Agents viz. M/s Balmer Lawrie & Company, M/s Ashok Travels & Tours.

2. LTC

- (i) Travel by Air India only.
- (ii) In Economy class only, irrespective of entitlement.
- (iii) LTC-80 ticket of Air India only to be purchased.
- (iv) Air Tickets may be purchased directly from Airlines (at Booking counters/Website of Airlines) or by utilizing the services of Authorized Travel Agents viz. M/s Balmer Lawrie & Company, M/s Ashok Travels & Tours and IRCTC (to the extent IRCTC is authorized as per DoP&T O.M.No.31011/6/2002-Estt.(A) dated 02.12.09).

3. LTC for J&K:

- (i) Relaxation to travel by Private Airlines to visit J&K while availing LTC is available for all categories of Govt. employees, including those entitled to travel by Air (DoP&T O.Ms. No.31011/2/2003-Estt.(A-IV) dated 18.06.10 and 05.08.10 refer).
 - (ii) For purchase of Air tickets, however, the procedure as given under para 2 (iv) above should be followed.
4. All Ministries/Departments of Govt. of India are requested to strictly adhere to these instructions.

7. From the foregoing, it is clear that (1) M/s Balmer Lawrie & Company, (2) M/s Ashok Travels & Tours, and (3) IRCTC have been recognized by the Government to act as Authorized Travel Agents whose

services can be utilized by the Government employees for purchasing air tickets for their journey on LTC to visit Jammu & Kashmir and other places, and that Kandhari Travels (P) Ltd. has not been recognized by the Government to act as Authorized Travel Agent for the purpose. Therefore, the purchase of air tickets by the applicant from M/s Kandhari Travels (P) Ltd. for performing journey from Amritsar to Srinagar and back was impermissible and, hence, there is no infirmity in the order issued by the respondents rejecting the applicant's LTC claim as the tickets were not purchased by him as per the O.M. dated 16.9.2010, *ibid*.

8. The deed of guarantee executed by the State Bank of India, Jalandhar, in favour of IATA, at the request of Kandhari Travels Pvt.Ltd.; the letter dated 1.7.2013 issued by IATA accrediting Kandhari Travels (P)Ltd., Jalandhar, as their agent; and Certificate of Accreditation issued by IATA in favour of Kandhari Travels (P) Ltd., which have been produced by Shri T.D.Yadav, the learned counsel appearing for the applicant, do not go to show that Kandhari Travels (P) Ltd. has been recognized by the Government to act as Authorized Travel Agent whose services can be utilized by the Government employees for purchasing air tickets for journey to visit Jammu & Kashmir and other places on LTC. As it appears from the said documents, the deed of guarantee for an amount of Rs.10,00,000/- has been executed by the State Bank of India, Jalandhar, in favour of IATA, at the request of Kandhari Travels Pvt.Ltd., to enable the IATA to accredit Kandhari Travels Pvt.Ltd. to act as their agent, and not to act as Authorized

Travel Agent whose services can be utilized by the Government employees for purchasing air tickets for performing journey to visit Jammu & Kashmir and other places on LTC.

9. The applicant has not brought to the notice of the Tribunal any other rule, or instruction, issued by the respondents laying down that the employees working under them could purchase air tickets from any travel agent, like Kandhari Travels (P) Ltd., for their journey to visit Jammu & Kashmir and other places on LTC.

10. Furthermore, from the LTC claim, copy of which has been filed by the applicant along with his O.A., it appears that the applicant has claimed reimbursement of Rs.21,040/- towards the cost of air tickets for journey from Amritsar to Srinagar, and back, by SpiceJet airlines, whereas all other papers including the letter from the SpiceJet state that the applicant has paid Rs.26,300/- towards the costs of the said air tickets. This discrepancy clearly casts serious doubt about the actual amount paid by the applicant to Kandhari Travels (P) Ltd. towards the cost of the air tickets. The applicant has not explained the said discrepancy either before the departmental authorities or before this Tribunal in the present proceedings.

11. If the claim of the applicant is acceded to by the Tribunal, it would not only amount to directing the respondents to act contrary to rules and instructions issued by the Government, but also encourage Government employees to purchase air tickets from unauthorized agents in violation of the instructions issued by the Government, and subsequently approach

Tribunals and Courts to validate such purchase of air tickets by them. The Tribunal is required to enforce the rule of law, and not to pass order or direction which is contrary to what has been injected by law.

12. In the light of what has been discussed above, I do not find any scope for interference in the matter. The O.A., being devoid of merit, is dismissed. No costs.

(RAJ VIR SHARMA)
JUDICIAL MEMBER

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