

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.3861/2016

Order Reserved on: 02.06.2017
Order Pronounced on: 28.07.2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)

Tilak Raj Singh (Office suptd. retd)
S/o Shri Harcharan Singh
R/o 364 Prabhat Nagar, Meerut.

-Applicant
(Applicant present in person)

Versus

1. Union of India
Through its Secretary
Ministry of Finance
Department of Revenue
South Block, New Delhi-110001
2. DOPT
Ministry of Personnel and Grievances
North Block, New Delhi
3. The Commissioner of Income Tax,
Meerut Region Meerut U.P.

-Respondents
(By Advocate: Shri R.K. Jain)

O R D E R

The instant OA has been filed by the applicant questioning the Annexure A-1 dated 27.09.2016 of the respondents in rejecting his request for change of destination for availing LTC facility for the Block Year 2010-13.

2. Brief facts, required for the purpose of disposal of the OA, are that the applicant had taken LTC advance in the year 2012 for travelling by train to Kanyakumari but changed it to Goa, travelling by car and ultimately travelled by road to destinations in UP Hills and Himachal Pradesh. He submitted his request to change the LTC destination by letter dated 13.06.2013 after completing his journey. The respondents kept the request pending for long time and finally rejected the same without giving any reason.

3. Aggrieved with the said action, the applicant preferred OA No. 1602/2015. The said OA was disposed of by an order dated 01.08.2016, the relevant part of the same reads as under:-

“8. Since there is a provision in the LTC Rules authorising the Head of Department to approve the request for change in the declared place of visit as mentioned earlier in this order, the respondents, ought to have indicated the reasons for not accepting the request of the applicant.

9. In view of these facts and circumstances, the order dated 26.09.2014 (Annexure A-3) issued by respondent no.2 rejecting the request of the applicant is quashed. The respondents are directed to consider the request of the applicant dated 30.10.2013 for changing the LTC destination of the block year 2010-2013 keeping in view the reasons indicated therein and the provision of LTC Rules ibid and pass a reasoned and speaking order. In the event of respondents approving the change of destination, the applicant shall be entitled to the reimbursement of his aforementioned LTC claim in full. He will be liable to pay interest from the date of drawing the LTC advance to the date he submitted his application for change destination i.e. 14.06.2013, as per the rules. The interest charged after that date shall be refunded to the applicant. This exercise may be completed within a period of three

months from the date of receipt of a copy of this order. No costs.

4. In pursuance of the aforesaid orders, the respondents passed the impugned Annexure A-1 dated 27.09.2016 rejecting the request of the applicant for change of destination for availing the LTC for the Block Year 2010-13.

5. Heard the applicant in person and Shri R.K. Jain, learned counsel for respondents.

6. The applicant, who is appearing in person, submits that the respondents rejected his claim for change of destination illegally and against the Rules.

7. On the other hand, the respondents in their order, impugned herein, have stated as under:-

“In this matter CCS leave travel concession rule-6 is related which is given below:

Rule-6 Declaration of place of visit under leave travel concession to any place in India when the concession to visit anyplace in India is proposed to be availed by the government servant of any member of the family of such Government servant, the intended place of visit shall be declared by the government servant in advance to his controlling officer. The declared place of visit may be changed before the commencement of the journey with the approval of his controlling officer, but it may not be after the commencement of the journey except in exceptional circumstances where it is established that the request for change could not be

made before the commencement of the journey owing to the circumstances beyond the control of the government servant.

In this matter employee decided his journey i.e. Meerut to Goa by car but in near Mathura he felt that journey is too long and out of his control and they decided exactly opposite direction towards Pouri, Ienesdown, Amritsar from there to Merrut he decided. And he want to Pouri, Ienesdown, Amritsar from their to Merrut and he gave application for destination change, but the reason he gave (feeling long journey) told, that (out of control condition) does not come under extraordinary condition beyond control, because of this reason permission for destination change was rejected. LTC is a well decision. The employee new before the journey that it is long.

Govt. of India's order no.25/D.G.P. & T.N.D. 20/1/79-PAP dtd 01.09.1979 according to this order destination change rule is as under:

"a doubt has been raised whether LTC will be admissible to a government servant or to a member of his family, who while proceeding under 4 years block LTC to a declared destination had to stop at a particular station en route the declared destination. The matter has been examined and it is clarified that such cases may be covered under 'exception clause' to para 2 (i) of Ministry of Homes Affairs (Department of Personnel and Administrative Reforms), O.M. no.31011/2/75/Ests, dated the 3-February, 1979. In other words, although the rules enjoined that the declared places of visit cannot be changed after the commencement of the journey but where it is established by the government servant that the request for the change in the place of visit cannot be made before commencement of the journey and the government servant himself or a member of his family could not visit the declared destination for circumstances beyond his control, such LTC claim should be admitted agreeably to the provisions referred to above, provided it is further established that, such intermediary station falls en route to the station declared in advance."

The above order 25 is clearly shows that if employee or his family decide destination change under out of control circumstances, then change of destination permission can be granted. Which falls in the way of destination and the employee will have to clear that the reason the for destination change was the circumstances was out of control and the change destination is in the way of destination, but Sh. Tilak Raj Singh decided his destination from Goa to exactly opposite direction Pouri, lenesdown, Amritsar, which is according above order is completely wrong. The change destination is not in the way destination Pouri, lenesdown Amritsar i.e. exactly opposite direction and not in the way of Goa.

And above explained condition and order 25 keeping in view I am directed to inform that Hon'ble principle Commissioner of Income Tax, Merrut to Sh. Tilak Raj Singh LTC, Block year 2010-13 application of 15.09.2014 for destination change is rejected.”

8. As observed by this Tribunal in the earlier OA No.1602/2015 filed by the applicant himself and also as per the relevant Rules, the Competent Authority is empowered to accept or to reject the change of destination for availing the LTC, however, by giving valid reasons. In the instant case, admittedly the applicant who was working in Meerut at the relevant time initially applied to avail LTC to go to Trivendrum and also obtained the LTC advance for the said journey. However, without availing the said permission to go to Trivendrum, he applied for a change of his journey from Trivendrum to Goa by car. The applicant even did not go to Goa but on the other hand he changed his destination to Pauri, Lansdowne, Dalhousie and Amritsar. In the circumstances, the respondents rejected the request of the applicant for change of destination for availing the

LTC. We do not find any illegality in the action of the respondents in rejecting the request of the applicant to change his destination for availing LTC.

9. In the circumstances and for the aforesaid reasons, the OA is dismissed being devoid of any merit. No costs.

(V. Ajay Kumar)
Member (J)

CC.