

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

OA-3976/2014

Reserved on : 25.04.2016.

Pronounced on : 26.04.2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Sh. Rajinder Kumar, 54 years
S/o Sh. Subey Singh,
Post-TTC, Token No. 41805,
R/o B-131, JJ Colony, Madipur,
New Delhi-110063.

..... Applicant

(through Sh. Ravindra S. Garia, Advocate)

Versus

Delhi Transport Corporation through
Its Chairman,
I.P. Estate, New Delhi-110001.

..... Respondent

(through Ms. Arti Mahajan, Advocate)

O R D E R

The applicant is working as a Conductor with Delhi Transport Corporation (DTC). On 23.08.2010, he travelled to North-East with his family after availing of LTC. His grievance is that although he submitted a bill of Rs. 71,300/- for the aforesaid journey, the respondents have sanctioned only Rs. 22,242/- out of that amount vide letter dated 16.01.2013.

2. In their reply, the respondents have stated that they have settled the claim of the applicant strictly in accordance with the DoP&T Instructions on the subject. They have relied on the following DoP&T OMs:-

- (i) No. F.No. 19024/1/2009-E.IV dated 13.07.2009.
- (ii) No. F.No. 7(2)/E/Coord/2005 dated 23.11.2005.
- (iii) No. 19024/1/E.IV/2005 dated 24.03.2006.

- (iv) No. 31011/2/2003-Estt.(A-IV) dated 18.06.2010.
- (v) No. 31011/4/2007-Estt.(A) dated 02.05.2008.
- (vi) No. 31011/2/2006-Estt.(A) dated 11.03.2010.
- (vii) No. 31011/2/2006-Estt.(A) dated 27.7.2009

to say that although employees have been allowed facility of travel by air on LTC to North-East Region, this facility is hedged by the condition that the travel must be by National Carrier only i.e Air India. Further, employees of the categories of the applicant have not been allowed to travel by air from the place of posting. They have been allowed this facility only from Kolkatta or Guwahati to the destination in North East.

3. Learned counsel for the applicant argued that the claim which he has submitted consists of the following parts:-

- (i) travel from Delhi to Kolkatta by 3 tier AC Rajdhani Express.
- (ii) travel from Kolkatta to Bagdogra by air.
- (iii) travel from Bagdogra to Nathula by taxi.

Learned counsel argued that respondents have denied to him the 3 AC tier of Rajdhani Express as well as air fare from Kolkatta to Bagdogra.

4. Learned counsel for the respondents argued that as far as Rajdhani Express fare was concerned, the applicant was not entitled to the same. He was entitled to only 3 tier AC train fare by normal train i.e. other than Rajdhani or Shatabdi. Secondly, even air fare from Kolkatta to Bagdogra was admissible to him i.e. only by Air India. Since the applicant submitted tickets pertaining to Spice Jet, he has been allowed only train fare as has been laid down in the Instructions of DoP&T.

5. I have heard both sides and perused the material on record. I have also gone through the Office Memorandum of DoP&T relied upon by the

respondents. I have also gone through the LTC Rules and Clarifications thereon submitted by the applicant along with his rejoinder, which are available at pages from 106 to 113 of the paper-book. After going through all these Instructions, I find that the position that emerges is that Government employees of Group-C category to which the applicant indisputably belongs were entitled to travel to North-East Region on LTC by train in their entitled class from their place of posting to Kolkatta or Guwahati and by Air India from Kolkatta/Guwahati to their destination in North East. Accordingly, the respondents have settled the claim of the applicant. His claim for air travel from Kolkatta to Bagdogra cannot be agreed to as he had actually performed the journey by Spice Jet as against Air India prescribed in the Instructions. The respondents have rightly sanctioned the 3 tier AC train fare in place of the air fare claim made by the applicant. As regards the journey from Delhi to Kolkatta, there is no dispute that the applicant was entitled to travel by 3 tier AC of ordinary train. The applicant has, however, claimed Rajdhani Express fare instead of ordinary train. However, Note given below Rule 5 in Chapter-VIII in Swamy's Handbook, 2003 Edition (page-15) reads as under:-

"Entitlement by Radhani/Shatabdi Trains would be applicable in cases where journey is actually undertaken by these trains and not for determining entitlement on notional basis. Both ends of the journey, i.e., place of start of the journey and the destination should be directly connected by Rajdhani/Shatabdi Express."

Since the applicant has not actually performed this journey by Rajdhani, the respondents have rightly allowed to him only 3 tier AC fare by a normal train.

6. Thus, I find that there is no infirmity in the orders of the respondents. The O.A. is devoid of merit and is rejected. No costs.

(Shekhar Agarwal)
Member (A)

/Vinita/