

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A./021/00580/2016

Date of order : 19-04-2018

Between :

A.R.K. Prasad S/o Late A. Venkateswarlu,
Aged about 51 years,
Assistant Engineer (Electrical) (P),
Civil Construction Wing,
All India Radio,
HYDERABAD 500004.

....Applicant

AND

1. The Chief Engineer,
Civil Construction Wing,
ALL INDIA RADIO,
6th Floor, Soochana Bhawan,
C.G.O. Complex, Lodhi Road,
NEW DELHI 110003.

2. The Executive Engineer (Electrical),
Civil Construction Wing,
All India Radio Campus,
Raj Bhavan Road,
BANGALORE – 560001.

3. The Assistant Engineer (Electrical),
Civil Construction Wing,
All India Radio,
Hyderabad – 500004.

...Respondents

Counsel for the Applicant : Mr. M. Venkanna

Counsel for the Respondents : Mr. A. Surender Reddy

CORAM :

THE HON'BLE MRS. MINNIE MATHEW, ADMINISTRATIVE MEMBER

(Oral order per Hon'ble Mrs. Minnie Mathew, Administrative Member)

(Oral order per Hon'ble Mrs.Minnie Mathew, Administrative Member)

Heard Mr. M. Venkanna, learned counsel for the applicant and Mr. A. Surender Reddy, learned Standing Counsel for Respondents.

2. The applicant is aggrieved by the Annexure-I order dated 14.06.2016 ordering the recovery of the entire LTC advance of rs.1,06,785/- which was sanctioned to him for availing 'Anywhere in India' LTC to visit Havelock Islands (Andaman and Nicobar Islands) for the block year 2014-2015.

3. The brief facts of the case are that the applicant after having been sanctioned an advance for availing LTC to visit Havelock Islands, he purchased the tickets for himself and his family consisting of his wife and son by Air India and incurred an expenditure of Rs.1,21,315/-. He has also furnished copies of the Air India tickets along with boarding passes. However he was unable to perform the journey on the segment from Hyderabad to Chennai sector by Air India as he could not reach the Airport in time. In order to catch his connecting flight from Chennai to Andaman and Nickobar Islands, he was constrained to travel from Hyderabad to Chennai by Indigo Airlines, which is a private Airline to which he was not entitled. On this ground the entire LTC advance has been ordered to be recovered. The applicant contends that instead of ordering recovery of the entire LTC advance, the 2nd Respondent ought to have at least admitted the claim to the extent of journey performed by Air India.

4. The Respondents have resisted the plea by filing a reply statement. Their main contention is that the applicant never travelled by Air India from Hyderabad to Chennai and that he is not entitled to travel in a private Airline for the purpose of LTC as per the extant LTC Rules. They also point out that the applicant has approached this Tribunal without giving enough time to the 2nd Respondent to consider and pass appropriate orders on his application. They have also stated that they have decided to recover the LTC advance in terms of LTC Rules and that their action is in accordance with the LTC Rules.

5. The applicant's counsel adverted to the clarification in CCS (LTC) Rules in which it was stated as follows :-

"Special Relaxation to Travel by Air to visit NER, J&K and A&N-(1) For two years from 26-9-2014, all eligible Government servants can travel by air to NER, J&K and A&N by converting one block of their Home Town LTC. Fresh recruits are also eligible for this benefit against conversion of one of the three Home Town LTCs in a block of four years.

(2) Government servants entitled to travel by Air can avail this LTC from their Headquarters in Economy class.

(3) Non-entitled Officers to travel by Air in Economy class in the following sectors :-

(a) Between Kolkata / Guwahati and any place in NER.

(b) Between Kolkata / Chennai, Bhubaneshwar and Port Blair.

(c) Between Delhi / Amritsar and any place in J&K.

(4) Journey by non-entitled employees from their headquarters up to Kolkata / Guwahati / Chennai / Bhubaneshwar / Delhi / Amritsar will be undertaken as per their normal entitlement.

(5) Air Travel should be restricted to Air India Economy class only at LTC 80 fare or less.

(6) Air travel by non-entitled officers on the sectors mentioned in Para. (3) may be permitted while availing LTC to any place in India (4 years Block).

(7) Air tickets may be purchased directly from Airline booking counters or website of Airlines or through authorized agents. Booking of tickets through other agencies not permissible.

- OM, dated 26-9-2014

(8) (i) Officers entitled to travel by air may also travel by private airlines from their HQs to any place in J&K.

(ii) Officers not entitled to travel by air may be permitted to travel by private airlines between Delhi / Amritsar and any place in J&K.

(iii) Fare should be limited to LTC-80 fare.

(iv) Above scheme extended up to 25-9-2016.

- OM dated 28-11-2014 and 1-6-2016.

In view of these instructions, the applicant's journey by private airline cannot be denied. After completion of the journey, the applicant submitted his claim for an amount of Rs.1,27,200/- which includes journey from Hyderabad to Chennai by Air India. However, without admitting his claim or even rejecting his claim to the extent of his travel from Hyderabad to Chennai by Indigo Airlines, the entire claim was rejected in toto as if the applicant did not undertake the journey at all. The applicant submits that it was due to circumstances beyond his control that he had to travel in the private Airlines from Hyderabad to Chennai.

6. However, Mr. A. Surender Reddy, learned Standing Counsel for the Respondents submits that the instructions referred to by the learned counsel for the applicant have been superseded by OM dated 13.07.2009 in which it has been made clear that in all cases the officials concerned may

travel only by Air India. Hence there was justification for denying the claim of the applicant.

7. Having considered the rival submissions and the material on record, it is seen that there is no dispute with regard to the fact that the applicant had actually booked his tickets from Hyderabad to Chennai and Chennai to Portblair and back by Air India. There is also no dispute that the applicant has actually performed the journey for which he obtained sanction from the concerned authorities. The material evidence that has been produced by the applicant also substantiates his claim that he has performed the journey by Air India for all the sectors other than Hyderabad-Chennai sectors. In view of the fact that the journey has actually been performed and that the applicant has no deliberate or wilful intention to travel by a private airlines and in view of the fact that journey on all other sectors except Hyderabad-Chennai have been performed on Air India, I hold that there is no justification for rejecting the entire LTC claim submitted by the applicant.

8. The learned counsel for the applicant argued that as per rules the applicant is entitled at least for the train fare by the eligible class for his journey from Hyderabad-Chennai. However, there is no such averment in the OA and no such prayer has been made before the Respondent authorities.

9. In the circumstances cited, I deem it just and proper to dispose of the

Original Application with a direction to the Respondents to allow the LTC claim of the applicant after deducting the fare for the Hyderabad-Chennai sector. In the event of the applicant submitting any representation for limiting his claim for the Hyderabad-Chennai sector to the eligible Train fare or any admissible mode of travel, the Respondents shall consider the same and pass orders in accordance with the Rules.

10. Two months from the date of receipt of a copy of this order is granted for compliance.

11. The Original Application is disposed of accordingly. No order as to costs.

(MINNIE MATHEW)
ADMINISTRATIVE MEMBER

Dated : 19th April, 2018.
Dictated in Open Court.

