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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00383/2016

Friday, this the 31st day of May, 2019

CORAM:

HON'BLE Mr.E.K.BHARAT BHUSHAN,	...ADMINISTRATIVE MEMBER
HON'BLE MR.ASHISH KALIA,	...JUDICIAL MEMBER

K.D.Saju,
Aged 56 years,
S/o Damodharan,
Assistant Operator (Ice Plant),
National Institute of Fisheries Post
Harvest Technology and Training,
Eroor south P.O., Tripunithura,
Ernakulam District – 682 306.

....Applicant

(By Advocate Mr.M.R.Gopalakrishnan Nair)

V e r s u s

1. The Union of India,
represented by the Secretary to
Government of India,
Ministry of Agriculture,
Department of Animal Husbandry and Dairying,
Krishi Bhavan, New Delhi – 1.
2. The Director,
National Institute of Fisheries Post,
Harvest Technology and Training,
Kochi – 682 016.
3. The Account Officer,
National Institute of Fisheries Post,
Harvest Technology and Training,
Kochi – 682 016.

....Respondents

(By Advocate Mr. P.K.Latha, ACGSC for Respondents)

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This application having been heard on 29th May, 2019, the Tribunal on 31st May, 2019 delivered the following :

ORDER

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

OA No.383/2016 is filed by Shri K.D.Saju against the order of recovery of a sum of Rs.93,985/- sanctioned as Leave Travel Concession (LTC) advance and encashment of earned leave. He seeks the following reliefs:

- I) To set aside Annexure A6 and Annexure A7
- ii) To direct the respondents to settle the leave travel concession bill of the applicant forthwith.
- lii) To issue such other orders or directions as this Honourable Tribunal may deem fit and proper in the circumstances of the case.

2. The applicant availed LTC to visit Pahalgam in Jammu for self and family for the block year 2014-15 (2014-17) in lieu of Home Town LTC. He was sanctioned LTC advance of Rs.80,000/- and encashment of 10 days earned leave amounting to Rs.9881/-. In the meantime, the applicant was transferred to Visakhapatnam Unit as per Order dated 03.02.2015, which the applicant accepted joining duty at Visakhapatnam on 23.02.2015. The applicant had specifically submitted that he will be availing LTC from Visakhapatnam and rest of his family members from Ernakulam. The applicant submitted the LTC claim bill amounting to Rs.99,780/- without

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claiming for his travel from Visakhapatnam to Ernakulam. The respondents issued a memorandum dated 10.06.2015 (Annexure A2) directing the applicant to submit his explanation on the following observation; non-production of tickets for his journey from Visakhapatnam to Ernakulam and vice versa, non-matching of his age mentioned in the tickets and non-production of return ticket from Pahalgam to Srinagar.

3. The applicant submitted his explanation stating that he has not made any claim for the journeys for which he has not produced the tickets and also submitted that the travel agency inadvertently mentioned the wrong age in the tickets. The applicant requested to settle the LT C claim deducting the amount in respect of journeys for which tickets are not produced. The applicant further pointed out that along with the applicant and his family, 10 other families belonging to the respondents organization had also availed LTC and purchased the tickets from the same travel agency. The respondents had no objection in settling their claims.

4. The respondents have filed their reply denying the averments made in the OA. They submit that the applicant applied for earned leave from 14.04.2015 to 27.04.2015 but commenced his onward journey on 17.04.2015 from Ernakulam. Since the explanation submitted by the applicant to the memorandum dated 10.06.2015 was not satisfactory, the applicant was given one more opportunity to submit his explanation on the points

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together with submission of necessary tickets within the specified time.

5. The respondents submitted that they had issued a circular dated 20.08.2013 stating that the LTC claims with air tickets purchased from private travel agent will not be entertained and the tickets are to be purchased directly from Airlines or through authorised travel agents (Annexure R1). Further the respondents submit that the other tickets purchased are not from the approved tour operator of the Tourism Department of Jammu and Kashmir. As per the extant LTC Rules, the tickets of both onward and return journeys are to be produced at the time of submitting the claim, failing which the journey so performed will be treated as incomplete. The applicant has submitted the LTC claim for his son, who is working and not dependent on him. The LTC claim submitted by the applicant was not in order as per the LTC Rules. The applicant was directed to remit the amount of LTC advance along with the amount of encashment of earned leave with penal interest.

6. The applicant has filed rejoinder to the reply statement reiterating the contentions raised in the OA. Heard Shri M.R.Gopalakrishnan for the applicant and Ms.P.K.Latha, learned ACGSC for respondents. The issue pertains to a LTC claim which has not been settled on account of objections of the respondent department. It is not difficult to see that the claim *per se* deserves a closer look, as at least part of the journey for which respondents are stating disallowance is not even claimed, for example Visakhapatnam to Ernakulam and vice versa. The applicant who is a retired employee, has

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approached this Tribunal in order to stop recovery from his pension. The judgment in **State of Punjab vs. Rafiq Masih (White Washer) - (2015) 4 SCC 334**, clearly prohibits recovery from pension and from this perspective his fears are misplaced. In view of the categoric orders of the Hon'ble Supreme Court in the case, we direct that there shall be no recovery from the pension of applicant on the ground that his LTC claim has not been settled and the advance taken for the purpose has not been accounted for. OA is disposed of with above direction. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A. No.180/000383/2016

- 1. Annexure A1:** True copy of the leave travel concession bill dated 25.05.2015.
 - 2. Annexure A2:** True copy of the Memorandum No.IFP/V/C-2/2003/VOL.1 dated 10.06.2015.
 - 3. Annexure A3:** True copy of the letter dated 12.06.2015.
 - 4. Annexure A4:** True copy of the Memorandum No.IFP/V/C-2/2003/Vol.1 dated 18.06.2015.
 - 5. Annexure A5:** True copy of the letter dated 06.07.2015.
 - 6. Annexure A6:** True copy of the memo No.NIF/Accounts/1-6/10-11/1314 dated 13.11.2015.
 - 7. Annexure A7:** True copy of the note No.NIF/Accounts/1-6/10-11/323 dated 19.04.2016
 - 8. Annexure R1:** Circular dated 20.08.2013
 - 9. Annexure R2:** Representation by the applicant dated 25.06.2015.
 - 10. Annexure R3:** Memo dated 17.10.2015.
 - 11. Annexure R4:** Representation dated 16.11.2015.
 - 12. Annexure A8:** The copy of the group photographs.
 - 13. Annexure A9:** True copy of the seaman's employment contract dated 14.05.2016.
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