

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

OA/21/1007/2016

**Reserved on: 05.04.2019
Order pronounced on: 09.04.2019**

Between:

B. Gopala Swamy,
S/o. Sri B. Anjaiah,
Aged about 54 years, Occ: AE (QA),
O/o The Controller of Quality Assurance (HV),
Avadi, Chennai – 600 054,
Tamil Nadu,
R/o. H.No.5-200, Janapriya, West City,
Near JPN Nagar, Miyapur,
Hyderabad – 500 049, T.S.

...Applicant

And

1. The Union of India rep. by
Controller, Govt. of India,
Ministry of Defence (DGQA),
Controllerate of Quality of
Assurance (Infantry Combat Vehicle),
Yeddumailaram,
Medak District – 502 205, T.S.
2. The Controller of Finance and Accounts (Fys),
Ordnance Factory, Medak – 502 205, T.S.
3. The Senior Internal Audit Officer,
Regional Internal Audit Office (South),
OFPM, Medak,
Yeddumailaram – 502 205, T.S.
4. The Controller of Quality Assurance (HV),
Avadi, Chennai – 600 054, Tamil Nadu.

...Respondents

Counsel for the Applicant	...	Mr. K. Ram Murthy
Counsel for the Respondents	...	Mr. M. Brahma Reddy, Sr. PC to CG

CORAM:

<i>Hon'ble Mr. B.V. Sudhakar</i>	...	<i>Member (Admn.)</i>
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ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. The OA has been filed challenging the recovery of LTC amount of Rs.4,06,737/- from the applicant.

3. The brief facts of the case are that the applicant was granted LTC for the block year 2008-09 to visit Bagdogra. The applicant travelled by Kingfisher Air Lines in economy class. After travel, the claim was made and it was passed. The respondents, based on an audit objection, ordered recovery of LTC amount paid to the applicant.

4. The contentions of the applicant are that he did not submit any inflated air fares. The LTC bill was passed by the respondents. The transaction took place some 8 years back. The LTC claim was also audited in the past. The applicant states that he travelled strictly as per Government of India rules prevalent at that instant of time. The applicant contends that recovery of Rs.16,947/- per month from the salary of the applicant is illegal because he claims that the applicant has not committed any gross irregularity. The applicant also states that the Division Bench of this Tribunal has granted interim stay of the recovery on 21.9.2016.

5. The respondents in the reply statement informed that there were many complaints of fraud and misappropriation of LTC claims. Hence, the Comptroller & Auditor General has ordered a detailed check of the LTC claims. While doing so for the period 2010-13 in all the Units in Yeddumailaram of the respondent organization, it was found that many bogus LTC claims were detected by the Regional Audit Officer. In respect of the applicant, while auditing his service

records, it was observed that the applicant had availed another LTC conversion in 2008-09 and submitted inflated air fare for Rs.52,800/- for self and all members of his family. However, on ascertaining the air fare from Hyderabad to Bagdogra and back it was found to be much less than what the applicant has claimed. The respondents stated that on scrutiny of the air ticket submitted by the applicant, certain entries made in the tickets appeared to be manipulated and the inflated tickets were not purchased from Kingfisher Airlines directly but from unauthorized travel agencies. They found discrepancies like the word 'ITINERARY RECEIPT' being printed as 'ITINERARY RECIEPT' and instead of 'HYDERABAD', 'SHAMSAHABAD' was typed. The respondents claim that such mistakes will not happen in the air tickets issued by private air lines.

6. Heard both the learned counsel and perused the documents as well as the material papers submitted.

7. Learned counsel for the applicant claimed that journey has been made. The applicant has paid as was required to be paid to fetch a ticket. There has been neither fraud nor any misrepresentation in the issue. The recovery ordered without giving notice or initiating disciplinary action is against rules.

8. In contrast, the learned counsel for the respondents has submitted a letter dated 28.12.2016 addressed to him by the Regional Internal Audit Office wherein it was pointed out that during audit of LTC claims submitted by the employees of CQA (ICV), Yeddumailaram, it was noticed that fraudulent claims were submitted by 54 officers and staff during the year 2013 and the same were detected

by 26.3.2015. The applicant has availed LTC and submitted fraudulent claims as furnished below:

S.No.	Claim No. & date	E.Tkt. No.	Booked through	Actual fare by AI Rs.	Inflated ticket fare Rs.	Total amount claimed Rs.
1	CQA (ICV)/LTC/F/07 Dt. 10.05.2013	0983213434842 (23/03/2013)	M/s Sai Tours	12518/- both ways	49,966/-	1,99,864/-
2	CQA(ICV)/LTC/F/8/ CGOs dt.15.4.2014	0984800363649	M/s Akbar Travels	10,542/- both ways	53,132/-	2,12,528/-

9. As the e-tickets submitted along with final bills in respect of the applicant were found to be fake and fraudulent, the matter was referred to Air India and the actual air fares were obtained. On verification, it is noticed that the submitted LTC claims on both the occasions i.e. in 2013 & 2014 are bogus and the tickets were book from unauthorized agents to get undue benefits. When the Service Book was verified by the Audit, it was observed that the applicant has availed LTC during the year 2008-09 and also submitted some bills which appeared to be highly inflated. However, this could not be verified from Air India since the old records were not available with them.

10. Ministry of Finance vide letter dated 24.3.2006 has instructed that Air Travel would be permissible on Airlines other than Air India provided the criteria for selecting the alternative Airline are based on better and more competitive prices being offered by the other airlines and under no circumstances, should the fare exceed the normal fare of the entitled class offered by Air India. The fare claimed by the applicant through Kingfisher Airlines is exorbitantly high compared to Air India fare. Thus, it is evident that the applicant has submitted LTC claim by inflating the air fare through unauthorized travel agents.

11. As provided in Rule 12 of GIDs (12-C), 12-H and 19 of CCS (LTC) Rules 1988, air tickets may be purchased directly from Air lines book counters or website of Air lines or through Authorized Travel Agents viz. M/s. Ashok Travels & Tours, M/s Ballmer Laurie & Company. Therefore, if the tickets purchased through other than the above, the entire fare paid erroneously on such claims has to be objected in audit which requires immediate recovery with penal interest from the sources of the officers concerned. The respondents acted as per the said rule.

12. Learned counsel for the applicant submitted that the air fares do fluctuate based on demand. Besides, the Airlines being different, their charges are also different. The argument of the learned counsel for the applicant does not hold water since the difference is quite large. The respondents also submitted the original ticket issued by the Air India to the applicant on 22.1.2014 wherein the actual fare was indicated as Rs.10,542/- per passenger and the inflated ticket was issued in the name of the applicant on the same day, indicating the fare as Rs.53,132/-. Similarly, in respect of another ticket meant for travel from Hyderabad to Delhi, the fare of original ticket issued in the name of the applicant show the fare value as Rs.12,518/- and the inflated ticket was showing the value of Rs.49,966/-. Thus the respondents have enclosed evidence which proves that the applicant did make claims which were not genuine. Hence, for reasons stated above, the Tribunal finds no grounds to intervene. Hence, the O.A. is dismissed. Interim Order granted on 21.9.2016 stands vacated. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

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