

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

**OA/21/976/2018 & MA/21/649/2018, OA/21/977/2018 & MA/21/650/2018,
OA/21/978/2018 & MA/21/651/2018, OA/21/979/2018 & MA/21/652/2018,
OA/21/980/2018, OA/21/981/2018, OA/21/982/2018, OA/21/983/2018,
OA/21/984/2018, OA/21/985/2018, OA/21/986/2018 & OA/21/987/2018**

**Reserved on: 28.03.2019
Order pronounced on: 01.04.2019**

Between:

B. Kamal Reddy,
S/o. B. Penta Reddy,
Aged 62 years,
Occ: Retd. Employee,
R/o. H.No.3-7-381, Nalanda Nagar,
Hyderabad, Attapur, Hyderabad.

....Applicant in OA 976/2018

N. Vidya Sagar Raju,
S/o. N. Laxminarayana Raju,
Aged 62 years, Occ: Retd Employee,
R/o. H.No.7-122/B, Vivekananda Nagar Colony,
Shankerpally, Ranga Reddy District.

....Applicant in OA 977/2018

D. Muralidhar, S/o. D. Venkataiah,
Aged 62 years, Occ: Retd. Employee,
R/o. H.No.5-1-33/2/1, Sai Nagar Colony,
Sanga Reddy, Sanga Reddy District.

....Applicant in OA 978/2018

C. Sumitra, D/o. C. Chandrappa,
Aged 62 years, Occ: Retd. Employee,
R/o. H.No.7/224, Anand Nagar Colony,
Pasthapur X Road, Zaheerabad.

....Applicant in OA 979/2018

P. Prasad, S/o. P. Sathyanarayana,
Aged 60 years, Occ: Retd. Employee,
R/o. Plot No.619 & 620, Flat No.402,
6th Phase, KPHB Kukatpally,
Hyderabad.

....Applicant in OA 980/2018

C. Maheshwar Reddy,
S/o. C. Venkat Reddy,
Aged 61 years, Occ: Retd. Employee,
R/o. H. No.6-95/17/A/1, Huda Colony,
Chandanagar, Hyderabad.

....Applicant in OA 981/2018

J. Soma, D/o. J. Baksha,
Aged 60 years,
Occ: Retd. Employee,
R/o. H.No.6-84/1, Singapuram Village,
Shankerpally Mandal,
Ranga Reddy District.

....Applicant in OA 982/2018

L. Yellaiah, S/o. Rajaiah,
Aged 60 years, Occ: Retd. Employee,
R/o. H.No.6-66/6, S.S. Nagar, Jsnapur,
Patancheru Mandal, Sanga Reddy District.

....Applicant in OA 983/2018

K. Prabhudas, S/o. K. Ramaiah,
Aged 60 years, Occ: Retd. Employee,
R/o. H.No.3-24/1, Indrakaran Village,
Kandi Mandal, Sanga Reddy District.

....Applicant in OA 984/2018

S. Ramesh, S/o. S. Chidambaram,
Aged 61 years, Occ: Retd. Employee,
R/o. H.No.6-34/1, Bhavani Nagar,
Singapuram Village, Shankerpally,
Ranga Reddy District.

....Applicant in OA 985/2018

S. Sanjeevulu,
S/o. S. Sangaiah,
Aged 61 years, Occ: Retd. Employee,
R/o. H.No.6-206, Bhavani Nagar Colony,
Singapuram Village, Shankerpally Mandal,
Ranga Reddy District.

....Applicant in OA 986/2018

A. Ramaanujam,
S/o. A. Venkatachalam,
Aged 60 years, Occ: Retd. Employee,
R/o. H.No.391, Krushi Defence Colony,
Panacheruvu, Sanga Reddy District.

....Applicant in OA 987/2018

And

1. The Union of India,
Ministry of Defence rep. by

Secretary,
New Delhi.

2. The Chairman/DGOF,
Ordnance Factory Board,
10 A, S.K. Bose Road,
Kolkata.
3. Ordnance Factory, Medak,
Ministry of Defence rep. by
Senior General Manager,
Sangareddy District,
Yeddumailaram.

...Respondents in all the OAs

Counsel for the Applicants	...	Mr. Pratap Narayan Sanghi
Counsel for the Respondents	...	Mrs. K. Rajitha, Sr. CGSC
		Mr. A. Vijaya Bhaskar Babu, Addl.GSC
		Mr.B. Madhusudhan Reddy, Addl. CGSC
		Mr. D. Satyaveer, Addl. CGSC
		Mr.A.Praveen Kumar Yadav,Addl.CGSC
		Mr. A. Ram Mohan, Addl. CGSC
		Mr. A. Surender Reddy, Addl. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar ... **Member (Admn.)**

ORDER

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

2. The applicants are aggrieved over the recovery made from terminal benefits in regard to LTC claims. The issue, respondents and the relief sought being one and the same, a common order is passed.

3. Applicants while working for the respondents Organisation have availed LTC to different destinations in the country and their claims after due scrutiny have been settled in the years 2011 to 2013. Thereafter due to an audit objection respondents on proposing to recover LTC amount paid, applicants approached this Tribunal in OA 597/2017 wherein it was directed to conduct an inquiry and decide the issue. In the meanwhile applicants retired from service in the years 2016 to 2018. Respondents did not conduct the inquiry nor did they take

disciplinary action to recover the amount but withheld the LTC amount paid from the terminal benefits. Consequently representations were made and in response it was informed that the departmental inquiry is contemplated and that orders are awaited from the superior authorities. Being aggrieved over the recovery, the OAs have been filed.

4. The contentions of the applicants are that the orders of this Tribunal in OA 597/2017 have not been adhered to. No disciplinary action was initiated to recover the amount. The amount paid towards LTC cannot be recovered as Govt. dues. Therefore the orders of recovery are arbitrary and illegal.

5. Respondents per contra state that applicants as per memo dated 24.3.2006 of Dept. of Expenditure, when they desire to travel by air and use services of travel agents to book tickets then they should approach only the authorised travel agents namely M/s Balmer Lawrie & Company and M/s Ashok Travels. Further, instructions permitting air travel and booking of air tickets through authorised agents were issued vide DOPT office memos dated 18.6.2010 and 16.9.2010. Applicants claimed 90% of LTC bill as advance which was duly released after scrutiny. After the journey was made, when the final bills were being processed audit found that the ticket were not bought directly from Air India or authorised travel agents and that the claims made were inflated. Hence as per audit objection, LTC amount paid was withheld from the terminal benefits. Respondents have also referred the matter to the Board for granting relaxation as a onetime measure to pass the claims made as per LTC -80 rules in consultation with DOPT. Thereupon, it was decided by the Competent authority that until a decision is received from the Min. of Defence or from DOPT recovery in regard to LTC claims have been decided to be kept in abeyance. In the meanwhile

respondents have approached Air India authorities and obtained details about the amount remitted by the applicants to Air India and to their dismay it was found to be significantly less than the amount claimed. The details have been presented to the Board to either grant relaxation or issue appropriate orders. Board orders are awaited and in the meanwhile inquiry in each case has been taken up as per orders of this Tribunal in OA 597 and batch.

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

7. I) The applicants are entitled for LTC by air. There is no dispute about the same. However, air tickets are to be bought from Air India or from the authorised agents. Applicants have bought them from unauthorised agents which is against DOPT rules dated 18.6.2010 and 16.9.2010. In response applicants claim that there was a communication gap in regard to the aspect of buying tickets from unauthorised agents and that whatever they have paid to the agents has been claimed. In fact after allowing 90% of the claim as advance after due scrutiny and later ordering recovery is inappropriate as per applicants version. May be, keeping this in view, the issue has been escalated to senior Management for a decision and the same is awaited.

II) On the last date of hearing a letter dt 27.3.2019 addressing the learned counsel for the respondents was submitted across the bar which did indicate a huge difference between the amount remitted to Air India and the amount claimed by the applicants. The bill claimed is obviously inflated. With such evidence on hand it is not known as to why the respondents are unable to decide the issue. Respondents organisation is a public organisation and It should not be

put to loss. This Tribunal has already directed in OA 597 and batch that an inquiry be conducted and the issue be decided as per Rule 16 of CCS (Leave Travel Concession) rules , 1988. The claims pertain to the year 2011-13 and we are in 2019. Yet, respondents' dithering to take a decision in the matter is surprising. Further, respondents submitted the decision of the Hon'ble Principal Bench of this Tribunal in regard to an LTC issue. It was gone through and found that it is not relevant since in the case cited the actual journey performed by the applicants therein was not verified by the Airlines but in the present it has been verified and extensive details submitted. Learned Counsel for the applicants has submitted the judgment of the Hon'ble Apex Court in State of Jharkhand and Ors v Jitendra kumar Srivastava and anr wherein it was held that terminal benefits cannot be withheld unless relevant rules are followed. Another judgment submitted by the Id counsel for the applicant was in Regional Manager and anr v Pawan Kumar Dubey where in Hon'ble Supreme Court has held that decisions in legal cases are to be based on facts of the each case and that a minor difference of fact would make a world of difference in the judgment. Hence the Hon'ble Principle Bench judgment in regard to LTC claim is not relevant to the present case is the argument of the Ld. counsel for the applicants.

III) Based on the Supreme Court judgment cited in regard to withholding of terminal benefits, respondents withholding the LTC amount paid from terminal dues is incorrect. They have data on record submitted by Air India where in it is clearly established that the claim was inflated. A full fledged inquiry should have been constituted to assess as to how such an inflated claim could be made and fix those responsible. In fact, orders of this Tribunal in OA 597 were crystal clear.

Despite such orders it is not known as to why the respondents are dilly dallying the issue by taking the stand that the matter has been referred to the Board and from there to DOPT for a one time relaxation. Therefore they are awaiting a decision to settle the issue. More than 6 years have passed and not deciding the issue till date is not only strange but appears to be hinting at diffidence to take a decision in the matter. Consequently forcing the applicants to go through the pain of terminal benefits being withheld is unfair. It needs no mention that the respondents must remember that any expenditure incurred by them is borne by the taxpayer. Hence all the more care has to be taken to ensure that the expenditure is genuine and as per norms. An early decision is the need of the hour. Relief claimed by the applicants can be granted only after an inquiry is conducted to know the truth and based on the outcome the results have to follow. However, respondents too cannot postpone the inquiry endlessly. Truth has to come out as to whether applicants were cheated by the private agents and the communication gap claimed is genuine or there was something more than what meets the eye. Learned counsel for the applicants adduced that this is a burning problem pan India involving many others and the Board which has to take a view sooner or later is unnecessarily procrastinating the decision. He also made a fervent appeal that if at all a recovery is to be made then let it be as per rules and not in an arbitrary manner. True, the time has come for the respondents to take a holistic view on the matter and decide as per extant rules. Learned Counsel for the respondents has pleaded that the matter is under consideration of the Board and therefore the Tribunal intervening at this juncture would foreclose the options open to the respondents. Hence keeping the aforesaid in view respondents are directed to consider as under:

- i) To make a thorough inquiry into the matter in the context of inflated amounts claimed as per the letter dt 27.3.2019 of the respondents and decide the issue as per rules governing LTC claims.
- ii) Time permitted to implement the judgment is 3 months from the date of judgment. Any further procrastination is not in organisational interests.
- iii) In case, if the respondents fail to arrive at a decision within the time stipulated, amounts withheld by the respondents shall be released keeping the option open to proceed against the applicants as per prevailing rules and regulations of the respondents organisation for recovery of loss, if any.

With the above directions the OAs are partly allowed. MA/21/649/2018, MA/21/650/2018, MA/21/651/2018 & MA/21/652/2018 are allowed. No order as to costs.

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

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