

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

OA./21/898/2016, 899/2016, 900/2016, MA.537/2017 in OA.900/2016,
901/2016, OA.1006/2016, MA.536/2017 in OA.1006/2016, & OA.1033/2016

Dated: 28/12/2018

BETWEEN:

A. Vara Prasada Rao, Sr. DM
S/o. A.Abbai,
Aged about 50 years,
Government of India,
Ministry of Defence, (DGQA),
Controllerate of Quality Assurance,
(Infantry Combat Vehicle),
Yeddu-mailaram, Medak – 502 205,
R/o. Q.No.3124, Ordnance Factory Estate,
Yeddu-mailaram, Medak – 502 205, T.S.

...Applicant in OA.898/2016

V. Srinivas, Sr. D/Man,
S/o. V. Janaki Ramulu,
Aged about 47 years,
Government of India,
Ministry of Defence, (DGQA),
Controllerate of Quality Assurance,
(Infantry Combat Vehicle),
Yeddu-mailaram, Medak – 502 205,
R/o. Q.No.3831, Ordnance Factory Estate,
Yeddu-mailaram, Medak – 502 205, T.S.

...Applicant in OA.899/2016

A. Raghunath Rao, AE (QA),
S/o. A.V. Rama Rao,
Aged about 55 years,
Government of India,
Ministry of Defence, (DGQA),
Controllerate of Quality Assurance,
(Infantry Combat Vehicle),
Yeddu-mailaram, Medak – 502 205,

R/o. Flat No.410, Block III A,
CBR Estates, Madinaguda, Miyapur,
Hyderabad – 500 049. (TS)

..... Applicant in OA.900/2016

R.V.S. Ravi, Steno (Now PA),
S/o. Sri (Late) R. Rajeswara Rao,
Aged about 55 years,
Government of India,
Ministry of Defence, (DGQA),
Controllerate of Quality Assurance,
(Infantry Combat Vehicle),
Yeddumailaram, Medak – 502 205,
R/o. Flat No.501, Vikas Residency,
Chanda Nagar, Hyderabad – 500 050. (TS)

..... Applicant in OA.901/2016

Smt. K.C. Pramila,
W/o. Sri M. Nowsi Naik,
Aged about 51 years
Occ: AO, Controllerate of Quality Assurance (Systems),
DGQA Complex, Manovikas Nagar P.O.
R/o. H.No. 6-103/52, Gulmohar Park,
Serilingampally, Hyderabad – 500 019,
Telangana State.

..... Applicant in OA.1006/2016

P. Sreenivas Yadav, S/o. Sri PC Balanna,
Aged about 54 years,
Occ: JTO (D),
O/o. Directorate of Quality Assurance (V),
Department of Defence Production,
Ministry of Defence (DGQA),
DHQ PO, New Delhi – 100 011,
R/o. H.No.HIG 2, Madhavanagar,
RC Puram, Hyderabad – 500 032, T.S.

..... Applicant in OA.1033/2016

AND

1. The Union of India rep. by its Controller, Government of India, Ministry of Defence, (DGQA), Controllerate of Quality Assurance, (Infantry Combat Vehicle), Yeddu-mailaram, Medak – 502 205 (TS).
2. The Dy. Director of Audit, (OF), HVF Admin Building, 2nd floor, Avadi, Chennai – 600 054. (T)
3. The Controllerate of Finance and Accounts (FYS), Ordinance Factory, Medak – 502 205, T.S.

..... Respondents

Counsel for the Applicants : Mr. K. Ram Murthy, Advocate
Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC

Mrs. B. Gayatri Varma, Sr. PC for CG

Mrs. D. Shoba Rani, Addl. CGSC

Mrs. Megha Rani Agarwal, Addl. CGSC

Mr. T. Hanumantha Reddy, Sr. PC for CG

CORAM

Hon'ble Mrs. Naini Jayaseelan, Admn. Member

ORAL ORDER

{ Hon'ble Mrs. Naini Jayaseelan, Admn. Member }

The OA.898/2016 has been filed challenging the impugned Orders No.1)

0101/AE/Test Audit, dated 30th June, 2016 and, 2) No.0101/AE/Test Audit/1, dated 22.07.2014 issued by the 1st respondent by ordering recovery of LTC amount of Rs.2,76,119/- paid for the block year 2010-2013 (Sub Block

2010-2011) to visit Gangtok (North East). The applicants was granted LTC for the year 2010-2013 to visit north east by converting the Home Town LTC and were also sanctioned E.L. from 28.09.2011 to 03.10.2011 dated 30th August, 2011. The recovery of Rs.1,47,884/- along with penal interest on or before 5th July, 2016 was further extended up to August, 2016.

OA.899/2016

The OA has been filed challenging the impugned Orders No.1) PAY/TADA/LTC/CORR.2015-16, dated 27.04.2016 and, 2) No.0101/AE/Test Audit/1, dated 22.07.2016 issued by the 1st respondent by ordering recovery of LTC amount of Rs.42,654/- paid for the block year

2010-2013 (Sub Block 2010-2011) to visit Srinagar. The applicants was granted LTC for the year 2010-2013 to Srinagar by converting the Home Town LTC and were also sanctioned 10 days E.L. from 03.10.2011 to 09.11.2011 dated 16th August, 2011. The recovery of Rs.42,654/- along with penal interest on or before 5th July, 2016 was further extended up to August, 2016 vide order dated 22.07.2016.

OA.900/2016.

The OA has been filed challenging the impugned Orders No.1) 0101/AE/Test Audit, dated 30th June, 2016 and, 2) No.0101/AE/Test Audit/1, dated 22.07.2016

issued by the 1st respondent by ordering recovery of LTC amount of Rs.1,47,884/- paid for the block year 2010-2013 (Sub Block 2010-2011) to visit Guwahati (North East) by converting the Home Town LTC and were also sanctioned 5 days C.L. from 03.10.2011 to 07.10.2011 with permission to prefix 01, 02, 06 and Suffix 08,09th October, 2011 being Saturdays, Sundays and Holidays dated 30th August, 2011. The recovery of Rs.1,47,884/- along with penal interest on or before 5th July, 2016 was further extended up to August, 2016 dated 22.07.2016.

OA.901/2016

The OA has been filed challenging the impugned Orders No.1) 0101/AE/Test Audit, dated 30th June, 2016 and, 2) No.0101/AE/Test Audit/1, dated 22.07.2014 issued by the 1st respondent by ordering recovery of LTC amount of Rs.1,00,448/- paid for the block year 2010-2013 (Sub Block 2010-2011) to visit Guwahati (North East) by converting

the Home Town LTC and were also sanctioned 5 days C.L. from 03.10.2011 to 05.10.2011 with permission to prefix 01& 02 and Suffix 06 October, 2011 being Saturdays, Sundays and Holidays, dated 30th August, 2011. The recovery of Rs.1,00,448/- (Amount passed Rs.91,000/- + EL Encashment Rs.9,448/-) along with penal interest on or before 5th July, 2016 was further extended up to August, 2016.

OA.1006/2016

The OA has been filed challenging the impugned Orders No.1) 0101/AE/Test Audit, dated 30th June, 2016 and, 2) No.0101/AE/Test Audit/1, dated 22.01.2016 issued by the 1st respondent by ordering recovery of LTC amount of Rs.1,80,232/- paid for the block year 2010-2013 (Sub Block 2010-2011) to visit Guwahati NAPP: Guwahati. In advance of Rs.1,61,000/- was also sanctioned by the Controller of Accounts (Factories), Yeddumailaram, Medak to perform the LTC sanctioned. The recovery of Rs.1,80,232/- along with penal interest on or before 5th July, 2016 was further extended up to August, 2016.

OA.1033/2016

The OA has been filed challenging the impugned Orders No.1) 0101/AE/Test Audit, dated 30th June, 2016 issued by 1st respondent, 2) No.1898/F-161/CA/OFMK/2014-2015, dated 16.02.2016 issued by the 2nd respondent by ordering recovery of LTC amount of Rs.77,916/- paid for the block year 2010-2013 (Sub Block 2010-2011) to visit Srinagar (North East) by converting the Home Town LTC and were also sanctioned E.L.

from 23.06.2011 to 01.07.2011 (9 days). The recovery of Rs.77,916/- along with penal interest on or before 5th July, 2016 was further extended up to August, 2016.

2. It is the contention of the applicant's counsel that the Government of

India, Department of Personnel & Training vide their Memorandum dated 02.05.2008 (Annexure-B) granted a concession to all Group A & B officials of Government of India to travel by air from their place of posting or nearest airport to North East Region Jammu & Kashmir by converting one Home Town LTC w.e.f. 02.05.2008 for a period of two years up to 01.05.2010 and the same was extended under the same terms and conditions for a further period of two years up to 01.05.2012 vide the Government of India, Department of Personnel & Training vide their Memorandum dated 23.04.2010 (Annexure -D).

3. The place of posting of all the employees was Ministry of Defence, (DGQA) Controllerate of Quality Assurance, (Infantry Combat Vehicle), Yeddumailarm, Medak District. After due sanction for conversion of home town LTC to North East Region, Jammu & Kashmir, LTC journeys were performed. Advance was also sanctioned by the Controller of Accounts (Factories), Yeddumailaram, Medak to perform the said LTC journeys. Final bills were also passed.

4. The 2nd respondent issued proceedings vide No.300/F-461/CA/OFMK/2014-15 dated 26.05.2016 based on Sr. Audit Officer, Chennai vide letter dated 26.04.2016 on the ground that the Government

employees whose headquarters and home-town being same are not entitled for

home-town LTC and the question of conversion of home-town LTC into LTC for NER in such cases does not arise.

5. It is contention of the counsel for the applicant that the LTC availed was duly sanctioned and there is no case of misappropriation or fraud as the journeys were duly performed. The LTC bills were also settled finally.

6. It is an undisputed fact that the LTC facility was availed by the applicants after due sanction of the department. Also, it is an undisputed fact that the journeys were duly performed. The case of the respondents is that as per the Test Audit Report since the applicants were ineligible to convert their Home Town LTC facility to North-East Region / Jammu and Kashmir recovery of the amount has now been ordered based on the Test Audit Report.

7. The onus of checking up the eligibility of officials and grant of advance for LTC facility squarely lies with the department and there has been a clear lapse on the part of the department for allowing ineligible officials to avail the LTC facility. Now at this stage after availing the LTC advance, performing the journey and settlement of claims the officials have been directed to repay the entire amount in accordance with the Test Audit Report.

8. Counsel for the applicant argued that ends of the justice would be met if the applicants are barred from availing the LTC facility for the next block year both home town (irrespective of where they are posted) and All India LTC. Counsel for the respondents agreed that based on the consent given by the

applicant's counsel the applicants can be debarred from the availing the LTC facility in the next block year for both home town as well as anywhere in India.

9. With the above direction, the 1. OA. 898/2016, 2. OA.899 / 2016, 3. OA. 900/2016, 4. OA. 901/2016, 5. OA.1006/2016 and 6. OA.1033/2016 are disposed of by the above common order. In view of disposal of OAs.900/2016, OA.1006/2016, MA.537/2017 & MA.536/2017 (amendment petitions) also stand disposed of. No order as to costs.

(NAINI JAYASEELAN)
ADMN. MEMBER

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