

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 3935/2017

New Delhi this the 5th day of July, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

1. Sh. Ram Dutt Sharma (APD), Age 56
S/o Late Ram Saran Sharma,
R/o H.No.1091, Gali No.25,
Block 21st Sangam Vihar, New Delhi
2. Sh. Diwan Singh (Ex.PD), Age 61,
S/o late Jiman Singh,
R/o D-3/47 Sangam Vihar,
New Delhi
3. Sh. Ram Singh (Ex.PD), Age 61,
S/o Sh. Sarwan Lal,
R/o C-180 Shyam Gali Nanak Chand,
Basti, Kotlamubarakpur, N. Delhi
4. Sh. Raj Kumar Singh (Ex.APD), Age 61,
S/o Late Sh. Tika Ram,
R/o K-2/69, Sangam Vihar,
Near Chauhan Complex,
Delhi-49
5. Sh. Ajay Singh (Baildar) Age 51,
S/o Late Rohtash Singh,
R/o 2267/3, Old Delhi, Rd. Opp.ICI Bank,
Rajiv Ngr. GGN(HR)
6. Sh. Parveen Singh (PD)(Age 49 years)
S/o late Ram Singh,
R/o G-A-24, Pul Pehladpur,
N. Delhi-44
7. Sh. Mukesh Kumar Vyas (Baildar), Age 55
S/o Sh. Vidya Bhushan Vyas,
R/o Ward No.501/3, Ward No.5,
Mehrauli, Delhi-30
8. Sh. Suresh Kumar (Baildar), Age 56 yrs,
S/o Sh. Parmod Singh,

R/o A-14, Jawahar Park,
Devil Road, Delhi

- Applicants

(By Advocate: Mrs. Sumedha Sharma)

Vs.

1. CEO, DJB,
Delhi Jal Board,
Varunalya, Phase-II,
Karol Bagh, Delhi, New Delhi
2. The E.E.(E&M)W&S South-I,
Greater Kailash-I, New Delhi
Delhi Jal Board, Govt. of NCT of Delhi
3. The AAO(E&M)W&SS-I,
Greater Kailash-I, New Delhi
Delhi Jal Board, Govt. of NCT of Delhi

- Respondents

(By Advocate: Mr. Rohit Bhagat for Mr. Rajeev Kumar)

ORDER (Oral)

The applicants have filed the OA, seeking the following reliefs:-

- “a) Quash the orders dated 06.10.2017, 10.10.2017, 24.08.2017 and circular dt. 27.08.2015 which are illegal, non-speaking, passed without application of mind and are unconstitutional.
- b) Direct the respondents to reimburse the amount with 18% interest which has been recovered from the applicants.
- c) All consequential benefits may be granted to the Applicants.
- d) Any other or further order(s)/relief(s), directions which this Hon’ble Tribunal may deem fit and proper in the interest of justice.
- e) Cost of the proceedings be awarded in faovur of the Applicants and against the Respondents.”

2. This OA pertains to recovery ordered by the respondents who directed the applicants to deposit the amounts earlier sanctioned to them on account of LTC availed in Feb – March 2013 from New Delhi to Srinagar. In this regard, the applicants gave representations dated 25.09.2017 and 09.10.2017 to the respondents which were disposed of on 06.10.2017 and 10.10.2017 whereby they have simply stated that “this recovery is to be made as per objections raised by Audit” and also give reference of circular dated 27.08.2015. It is contended by the applicants that the aforesaid orders dated 06.10.2017 and 10.10.2017 are illegal as they show non application of mind and are non-speaking in this regard.

3. The respondents have filed their CA in which they have stated that after verification of the tickets from the concerned airlines, it is found that the applicants booked their tickets from other than the authorized agent and as per the DoPT orders dated 15.06.2012 and 19.06.2014 regarding travel to J&K for non-entitled employees, it is clearly mentioned that air tickets can be purchased either directly from the Airlines (booking counters/website) or through authorized agents only viz. M/s Balmer Lawrie and Co. Ltd., or M/s Ashok Travels

and Tours Ltd./IRTC. Hence, the orders of recovery was issued as per the objections raised by Audit.

4. This Court has noticed that the Tribunal in two OA Nos. 3161/2015 and 2537/2016 has decided the similar issue which was challenged by the respondents in the Hon'ble High Court vide WP(C) No.2072/2019 in the matter of **Govt. of NCT of Delhi & Ors. v. Shakuntala Devi** in which the following directions have been issued-

“6. Having considered the submissions of the learned counsel for the petitioner, we are unable to persuade ourselves to interfere with the impugned order. In view of the undisputed fact that the respondent, who stands superannuated w.e.f. from 31.05.2015, had indeed travelled to Port Blair along with her two family members by purchasing tickets from an unauthorised agent, as also the fact that there is no allegation of the tickets being fake or forged, the finding of the Tribunal in the impugned order holding that even though she may not be entitled to the amount of Rs.1,62,216/- as had been claimed by her, she was entitled to receive at least the amount of RS.68,325/- i.e. @ Rs.22,775/- per ticket which would be for the amount payable to her had she purchased the ticket directly from Air India at the time of her travel, was fully justified in the facts of the case.

7. We find no reason to interfere with the impugned order. The writ petition, being meritless, is dismissed along with the pending applications.”

5. This Court has also seen the representations preferred by the applicants earlier, which have been filed jointly. Hence, it would be in the fitness of things if the separate individual representations are filed.

6. In view of the factual situation in this matter, we direct the applicants of these OAs to give fresh separate individual applications to the respondents within a period of 30 days from the date of receipt of copy of this order. Thereafter, the respondents are directed to dispose of the same with a reasoned and speaking order in the light of the aforesaid decision of the Hon'ble Delhi High Court in the **Shakuntala's case** (supra) within a period of 60 days from date of receipt of such representations made by the applicants.

7. With the above directions, the OA stands disposed of. No order as to costs.

(Nita Chowdhury)
Member (A)

/lg/