

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

**OA No.4019/2018
MA No. 4472/2018**

New Delhi this the 26th day of August, 2019

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

1. Sh Jagdish Chander Pant, T No 6967818
(Post O/ Supd.)
s/o Late Sh. M.M.Pant. Age 50 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
2. Sh. Brij Mohan , T.No 6971274
(Post J.M.A)
s/o Sh. Ghan Shyam Singh Age 40 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
3. Sh. Kanchid Kumar,T.No 6972890
(Post J.M.A)
s/o Sh Jagdish Singh Age 38 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
4. Sh. Manjeet Kumar , T.No 7607
(Post M.T.S)
s/o Sh. Krishan Kumar Age 40 yrs
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
5. Sh.Vijendra Singh, T.No 7591
(Post J.M.A)
s/o Sh. Radhey Shyam, Age 38 yrs
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
6. Sh. Vidya Bhusan , T.No7384
(Post T/Mate)
S/O Sh. Jai Pal Singh , Age 47 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
7. Sh. Kuldeep,T.No 7604

(Post J.M.A)
 s/o Sh. Daya Ram Age 35 years,
 Central Ordnance Depot, Delhi Cantt-10
 (Group 'C')

8 Sh. Sanjay, T.No 6969701
 (Post M.A)
 s/o Sh. Kishan, Age 42 years
 Central Ordnance Depot, Delhi Cantt-10
 (Group 'C')

9. Sh. Manoj Kumar T.No 696761
 (Post U.D.C.)
 s/o Sh. Bhim Singh, Age 46 years,
 Central Ordnance Depot, Delhi Cantt-10
 (Group 'C')

10. Sh. Bindu Verma T.No 6968542
 (Post J.M.A)
 S/o Sh. Sachin Soni , Age 39 years
 Central Ordnance Depot, Delhi Cantt-10
 (Group 'C')

11. Smt. Trishna Kumari T.No 6966768
 (Post S.U.Pdt.)
 w/o Sh. Prem Narain , Age 56 years
 Central Ordnance Depot, Delhi Cantt-10
 (Group 'C')

12. Smt. Jitender Kaur T.No 6960602
 (Post O/Supdt.)
 w/o Sh. R.S.Narula , Age 60 years
 Central Ordnance Depot, Delhi Cantt-10
 (Group 'C')

13. Madhu Nayar T.No 6963970
 (Post O/Supdt.)
 Sh. Manmohan Nayar , Age 60 years,
 Central Ordnance Depot, Delhi Cantt-10
 (Group 'C')

14. Sh. Sanjay Pant, T.No 6969669
 (Post M.A)
 s/o Sh. R C. Pant , Age 38 years
 Central Ordnance Depot, Delhi Cantt-10
 (Group 'C')

15. Sh. Rajesh Kumar, T.No 6969589
(Post U.D.C.)
s/o Jai Singh, Age 37 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
16. Sh. Jai Bhagwan, T.No 6969711
(Post U.D.C)
S/o Sh. Ragbir Singh, Age 46 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
17. Sh. Gurcharan Singh, T.No 6961896
(Post O/Supdt.)
s/o Sh. Late Sadhu Singh, Age 63 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
18. Sh. Raj Kumar, T.No 7235
(Post T/Mate)
s/o Sh. Hukum Chand , Age 54 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
19. Sh. Mahinder Singh T.No 3442
s/o Sh. Chedda Ram Age 55 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
20. Sh. Suresh Kumar, T.No. 7105
(Post T/Mate)
s/o Sh Kishan Lal , Age 51 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
21. Sh. Chakardhar, T.No 681
s/o Sh. Ram Chand Sati Age 58 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
22. Sh. Umed Singh, T.No7432,
(Post T/Mate)
s/o Sh. Kitab Singh, Age 42 years
Central Ordnance Depot, Delhi Cantt-10
(Group 'C')
23. Anuradha Pal, T.No 6968566,

(Post U.D.C)
 Sunil Kumar Baghel Age 38 years
 Central Ordnance Depot, Delhi Cantt-10
 (Group 'C')

24. Sh. Govind Singh,T.No 6969890
 (Post U.D.C)
 s/o Sh. Jaswant Singh Age 40 years
 Central Ordnance Depot, Delhi Cantt-10
 (Group 'C')

25. Sh Sodagar Singh T.No 7568
 (Post T/Mate)
 s/o Sh. Atama Singh Age 38 years
 Central Ordnance Depot, Delhi Cantt-10
 (Group 'C')

(By Advocate: Mr. BK Berera)

VERSUS

1. Union of India
 Through Secretary,
 Ministry of Defence,
 South Block, New Delhi-110001

2. Dy. CDA,
 Office of the DCDA (COD)
 Delhi Cantt-110010

3. The Commandant,
 Central Ordnance Depot,
 Delhi Cantt.-110010 - Respondents

(By Advocate: Mr. U. Srivastava)

ORDER (Oral)

MA No. 4472/2018 for joining together is allowed
 for the reasons stated therein.

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

“(a) to quash the orders dated 18.06.2018 qua the applicants, rejecting the LTC Claims of the applicants and directing them to deposit the total amount as the applicants are entitled for the same under LTC-80 Scheme.

(b) Directions to respondents to pass the LTC Claim of the applicants in terms of OM dated 25.08.2011, i.e. LTC Claims for travel by air may be restricted to LTC 80 Economy class fare of Air India as clarified by the DOPT also as per annexure A-11 while allowing the proposal put up by them.

(c) Any other order as this Hon’ble Tribunal may deem fit under the present facts and circumstances of the case.”

3. The applicants in this OA, who are presently working as Group ‘C’ employees in the Central Ordnance Depot, Delhi Cantt and had availed LTC to Srinagar (J&K) during the period 2013 to 2014, are aggrieved by impugned order dated 18.06.2018 directing them to deposit the amount claimed/sanctioned as per CCS(LTC) Rules – Relaxation for travel by air to visit J&K after about 4 years, on the ground that ‘All Govt. servants intended to avail LTC, it is mandatory to purchase LTC-80 tickets from Indian Airlines booking counter or websites of Air India or through Authorized Travel Agents, i.e. M/s Balman Laurie & Company, M/s Ashoka Tours & Travels and IRCTC, whereas it is seen from tickets of Pvt. Airlines that the same have been booked

under LTC-80 Scheme as mentioned on the tickets. However, LTC 80 Scheme is applicable only to Air India and its mention in other Pvt. Airlines Tickets look dubious as no Pvt. Airlines operative LTC 80 Scheme.

4. The applicant have challenged the aforesaid order on the ground that the respondents have completely ignored the DoPT OM dated 05.08.2010 which is regarding regulation of journey by private airlines while availing LTC to J&K. They have pleaded that they have claimed LTC during the period 2013-2014 in terms of CCS(LTC) Rules, 1988 – Relaxation for travel by air to visit J&K (Srinagar). They have further pleaded that the advance amount claimed by them was calculated and paid on the basis of air fare prescribed/entitled on the basis of Air India fare approved under the Rule LTC-80. They have also averred that after thorough audit, as per CCS(LTC) Rules, DCDA admitted their claim and released the payment which was credited in their respective account along with 10 days leave encashment. They have also drawn our attention to OM dated 18.06.2010 which directed the Ministries/Departments as under:-

“(iii) All other employees of Government of India can travel by air in economy class from Delhi and Amritsar to any place in J&K by any airlines subject to their entitlement being limited to LTC-80 fairs of

Air India. Journey from their place of posting up to Delhi/Amritsar will have to be undertaken as per their entitlement.

5. The applicants have further relied upon the instructions of the OM dated 25.08.2011 which provides further clarification that Entitled Class only means Economy class only and all LTC claims for travel by Air may accordingly be restricted to LTC-80 Economy class air fare of Air India from the date of issue of this OM. The applicants have thus pleaded that from the rule position, it is very much clear that the Govt. employees can travel by private airlines and the only restriction is that all LTC claims for travel by air may accordingly be restricted to LTC-80 Economy Class of fare of Air India. They have also submitted that as per Circular dated 19.03.2019, it was however further clarified that in the event of non-entitled officials travelling on LTC by air (Air India/Pvt. Airlines for J&K) while availing special concession for J&K/NER, the booking of tickets/travel has to be done as per the extant orders on the subject. They have, therefore, submitted that since they are non-entitled employees and only requirement is that all LTC claims for travel by air may accordingly be restricted to LTC-80 Economy class of fare of Air India.

6. The respondents have filed their reply in which they have contended that based on a common complaint regarding submission of fraudulent LTC claims, a special audit was carried out for investigating the LT claims in respect of Defence Civilian employees and on the basis of the audit report, directions were issued to audit authorities to review the LTC claims passed in the earlier two year and the recoveries to be effected in the fraudulent case.

7. The respondents have also mentioned that as per Rule 13 of CCS (LTC) Rules, 1988, "Reimbursement under the leave travel concession scheme shall not cover incidental expenses and expenditure incurred on local journeys and reimbursement for expenses of journey shall be allowed only on the basis of a point to point journey through shortest direct route. They have contended that the applicants in this case have availed the privileges such as pick and drop facilities from Airport, stay, sightseeing etc.

8. The respondents have contended that despite the some cases in respect of LTC being detected by the audit authorities, the recoveries were not made and they have sent the case for bulk relaxation to the DoPT by executive

authorities through MoD and MoD, vide their letter No.11(1)/2013-D(Civ-II) dated 03.02.2017 informed that the proposal for one time relaxation in respect of LTC-80 reimbursement claims of Defence civilians was taken up with DoPT but the proposal for granting bulk relaxation to thousand of Group 'C' and 'C' Defence Service employees has not been agreed to by the DoPT and the DoPT advised to scrutinize the case individually. The respondents, while denying contention of the applicants that they have ignored the DoP&T OM No. 31011/2/2003-Estt.(A) dated 05.08.2019, have submitted that the contents of this OM are to be read in conjunction with DoP&T Om 31011/2/2003-Estt.(A-IV) dated 18.06.2013 and 15.06.2012. They have submitted that they have no objection to purchase of tickets from private airlines but tickets purchased from private airlines under LTC-80 scheme by many applicants are dubious, as LTC-80 scheme is operated only by Air India and not by any private airlines. They have thus prayed for dismissal of the OA.

9. After hearing both the parties and perusing the record, it is noticed that the respondents had sent bulk cases of the Defence civilian employees falling under Group 'C' and 'D' for one time relaxation in respect of

LTC-80 reimbursement to the DOPT through MoD, vide their letter No.11(1)/2013-D(Civ-II) dated 03.02.2017 and DoPT has turned down the said proposal with an advice to scrutinize the case individually. The respondents have failed to give any reply as to why they have not scrutinized the cases individually but have given an omnibus answer for all such cases. Hence, in view of not following the advice given by the DOPT in its true perspective, we direct the respondents to take the decision in each case separately after examining the replies given by the applicants individually, if any, within a period of 90 days of receipt of such reply. The applicants are also directed to file their replies individually within a period of 30 days of receipt of a copy of this order.

10. With the above directions, the OA is allowed in the above terms. No order as to costs.

**(Nita Chowdhury)
Member (A)**

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