

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Friday 3rd day of May Two Thousand And Nineteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)
THE HON'BLE MR. P. MADHAVAN, MEMBER (J)

OA 310/641/2019

T.M. Selvaraj,
S/o. P. Murugaiyan
Aged 62 years,
H.No.4, Thukkunangulam Keelkarai,
Mayiladuthurai, Mayiladuthurai R.S.,
Nagapattinam- 609 003.

...Applicant

(By Advocate: M/s. Ramapriya Gopalakirshnan)

Versus

1. The Superintendent,
RMS 'M' Division,
Egmore,
Chennai- 600 008;
2. The Chief Postmaster General,
Tamil Nadu Circle,
Chennai- 600 002.

...Respondents

(By Advocate: Mr. Su. Srinivasan)

ASVJ

ORAL ORDER
(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

This OA has been filed by the applicant seeking the following reliefs:-

"a) set aside the order bearing No. J/LTC/TMS/2014-15 dated 18/04/2018 issued by the Superintendent, RMS 'M' Division, Chennai, the first respondent rejecting the request of the applicant to refund the LTC amount of Rs. 55,224/-;

b) set aside the order bearing No. APA/135/TMS/20018 dated 01/08/2018 issued by the Office of the Chief Post Master General, Tamil Nadu Circle, the second respondent stating that the aforementioned order dated 18.04.2018 holds good;

c) direct the respondents to refund the applicant the LTC amount of Rs. 55,224/- wrongly recovered from the applicant and

d) pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. The grievance of the applicant is that long after the applicant's retirement from service, the respondents have proceeded to recover an amount of Rs. 55,224/- from him towards an irregular claim of Leave Travel Concession allowed to him while in service. As there was a risk of the applicant's entire terminal benefits being withheld on account of the same, the applicant allowed the deduction to take place from his terminal benefits. Nevertheless, the fact remained that the respondents arrived at a finding without conducting due enquiry against him, it is contended.

3. We recall that in terms of the decision of the Hyderabad Bench of this Tribunal, this bench had disposed of a similar matter in O.A. 569 of 2018 dated 17.07.2018 on the following lines.

"Having regard to the clear provision of the Rules and the fact that the impugned orders of recovery have been issued without following the procedure, the impugned orders are liable to be set aside. Ordered accordingly. This will, however, not prohibit the respondents from taking action against the applicants in accordance with the provisions of the CCS (LTC) Rules."

We are accordingly inclined to dispose of this OA with liberty to the respondents to invoke the said rule to proceed against the applicant and examine if further action could be taken in terms of Rule 9 of the CCS (Pension) Rules. A reasoned and speaking order shall be passed in this regard within a period of two months from the date of receipt of a copy of this order.

4. The O.A. is disposed of with the above direction. No costs.