

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 17th day of July Two Thousand And Eighteen

PRESENT:

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

O.A.310/1993/2017

1. S. Senthil,
P.No.882276;
2. R. Nanda Kumaran,
P.No.882279;
3. R. Prabhu,
P.No.882297;
4. S. Sahaya Selvaraj,
P.No. 882048;
5. R. Shankar,
P.No.865482;
6. K.Murugan,
P.No.882278;
7. N. Ellappan,
P.No. 881430;
8. K. Anabazhagan,
P.No.881752;
9. S. Jayaprakash,
P.No.882253;
10. S. Anandan,
P.No.882488;
11. K. Saravanan,
P.No.882281;
12. G.Gnanavel,
P.No.882252.

.....Applicants

(By Advocate : Mr. R. Rajesh Kumar)

VS.

1. Union of India Rep. by
The Senior General Manager,
Heavy Vehicles Factory,
Avadi, Chennai- 600 054;
2. The Joint General Manager,
Admin, HVF Avadi,
Chennai- 600 054;
3. Ordnance Factory Board,
Rep. by Chairman,
No.10-a, S.K. Bose Road,
Kolkatta- 700 001.

... Respondents

(By Advocate: Mr. C. Kulanthaivel)

ORAL ORDER

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

Heard both sides. The O.A has been filed by the applicants seeking the following reliefs:-

1. " to set aside the impugned order passed by the 1st Respondent bearing No. 006609/LTC/Fin/2017 dated 30.11.2017, order bearing No. 00601/Gen/Fin/2016 dated 24.2.2016 (02/03/2016), order dated 8/5/2017 bearing Ref No. 00601/Fin/LTC/Gen/2017 and order passed by the 3rd Respondent bearing Ref No. 612/LTC/Per/Policy dated 27.3.2017 and consequently direct the recovered amount in lieu of the impugned orders to the applicants."
2. It is submitted that the applicants had been paid L.T.C. claims of varying amounts for travel to different places which subsequently, based on an audit objection, the authorities sought to recover alleging that the applicants had purchased Air tickets from a private agency and not through Government of India authorized travel agents. It is submitted that in an order by the Hyderabad Bench of this Tribunal in O.A. No. 597/2017 to 604/2017 dated 27.07.2017 in identical cases, it was observed that there was a laid down procedure to deal with fraudulent claims of LTC under Rule 16 of CCS (LTC) Rules, 1988. The consequences of fraudulent claim have also been stipulated in the same Rules that in the event of the disciplinary authority initiating disciplinary proceedings against a Government Servant on the charge of preferring a fake claim, such Government Servant shall not be allowed LTC till the finalisation of such disciplinary proceedings. If the

disciplinary proceedings result in imposition of any of the penalties specified in Rule 11 of the CCS (CCA) Rules, 1965, the Government servant shall not be allowed the next two sets of the LTC in addition to the sets already withheld during the pendency of the disciplinary proceedings. For reasons to be recorded in writing, the controlling authority could also disallow more than two sets of LTC. Accordingly this Tribunal, keeping in view the fact that the impugned orders of recovery had been issued without following the procedure, set aside the same granting liberty at the same time to the respondents to take action in accordance with the provisions of CCS (LTC) Rules, 1988. As the present OA is identical in respect of grievance as well as the relief sought, a similar order may be passed, it is urged.

3. Learned counsel for the respondents after obtaining instructions, confirms that the Hyderabad Bench had passed such an order in the aforesaid case and the same had not yet been challenged. However, it is also submitted that the respondents had thoroughly examined the claim of the applicants and only after being satisfied that the applicants had made fraudulent claims that they had passed the impugned orders. The applicants are also being proceeded against by instituting a departmental inquiry for an appropriate penalty.

4. I have considered the matter. At this stage, since it is confirmed that the Hyderabad Bench of this Tribunal had passed the aforesaid order in OA Nos. 597/2017 to 604/2017 dated 27.07.2017 and the same has not been challenged in the High Court, I am of the view of that a similar order could



be passed in this OA. also. Accordingly, the O.A. is disposed of with the following direction:-

"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."

5. The OA. is disposed of in the above terms. No costs.