

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

OA No. 31 of 2015

Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)

Durga Madhab Panda, aged about 54 years, S/o Late Udayanath panda, Vill/PO-Hinjilicut, Dist-Gm., serving as Sub Post Master, Gate Bazar Sub Post Office, Berhampur, Gm.

.....Applicant

VERSUS

1. Union of India, represented through the Director General of Post, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Chief Post Master General, Odisha Circle, Bhubaneswar, Dist-Khurda.
3. The Sr. Superintendent of Post Offices, Berhampur Division, Berhampur (Gm)-760001.
4. The Senior Post Master, Berhampur-HO(Gm)-760001.
5. The Director of Accounts (Postal), Dak Lekha Bhawan, Mahanadi Vihar, Cuttack-753004.

.....Respondents

For the applicant : Mr.G.K.Behera, counsel

For the respondents: Mr.S.Behera, counsel

Heard & reserved on : 30.8.2019 Order on : 17.9.2019

ORDER

Per Mr.Gokul Chandra Pati, Member (A)

The applicant has prayed for the following reliefs in this OA:-

- "(i) Hold/declare impugned letter No. Int. Audit/I R-1143/14-15/ 561 dtd 23.12.2014 (Annexure A/5) in rejecting the representation of the applicant for regularization of his LTC Bills so far as Rs.59715/- actual payment made to the Spice Jet and directing to take immediate action for recovery of audit objected amounts is bad & illegal.
- (ii) Direct the respondents to regularize the LTC of the applicant so far as Rs.59715/- actual payment made to the Spice Jet is concerned;
- (iii) And pass any such other order(s) as may be deemed fit and proper in the bonafide interest of justice."

2. The applicant, an employee under the respondents, had proceeded on LTC from 6.5.2014 to 13.5.2014 after availing an advance of Rs. 64973/- for proceeding on LTC by air. The applicant's case is that he had purchased the air ticket from a private agent for travel through a private airline M/s Spice Jet to proceed from New Delhi to Srinagar and back and he had produced the same before the respondent no.3, who sanctioned the advance of Rs. 83000/- vide order dated 3.4.2014 (Annexure-A/2) after examining the tickets purchased

and money receipt obtained by the applicant. After completion of the journey, the applicant furnished the LTC bills with the ticket and money receipts, which were accepted and the LTC advance paid to the applicant was adjusted. The internal audit objected to the payment of the LTC bills to the applicant on the ground that the air ticket was purchased through a private agency and not directly from the Airlines as per the rules applicable. Hence, the audit held the amount paid to the applicant towards the cost of air travel amounting to Rs. 64973/- as objectionable and recommended for its recovery. Thereafter, the respondent no.4 was directed to recover the amount of Rs. 64973/- from the salary of the applicant.

3. The applicant, being aggrieved, submitted a representation dated 21.11.2014 (Annexure-A/4) enclosing the tickets/certificates from the official website of the Airlines amounting to Rs. 59715/- for the amount payable to the applicant for the air journey availed by him during the LTC. In other words, the applicant agreed to refund the difference fare between Rs. 64973/- and Rs. 59715/- for purchasing the ticket through a private agency. Instead of considering the representation, the respondents rejected the same and directed for recovery from the applicant vide order dated 23.12.2014 (Annexure-A/5), which is impugned in this OA.

4. The Counter filed by the respondents stated did not dispute the facts and stated that the applicant had purchased the air ticket from private agency instead of directly purchasing from the airlines as per the instructions of Government of India vide the circulars dated 16.9.2010 (Annexure-R/1) and dated 19.6.2014 (Annexure-R/3). The LTC bills submitted by the applicant were wrongly allowed as detected by the internal audit. The representation of the applicant was examined by the respondent No.5 and it was rejected.

5. No Rejoinder has been filed by the applicant. Learned counsels for the applicant as well as the respondents were heard and the pleadings on record were perused by me. The question in this case is whether the request of the applicant to be allowed the amount of cost of tickets if he would have purchased through the official website of the concerned airlines and he was prepared to refund the excess amount paid to him towards the air travel during the LTC over and above the amount that would have been charged had he purchased the ticket from the official website.

6. The applicant, in para 4(III) of the OA avers that he had produced the money receipt and tickets before sanction of the LTC advance vide order dated 3.4.2014. It is stated in para 10 of the Counter that the respondents did not have any knowledge as to how the applicant had purchased the ticket and stated that it was his responsibility to purchase the tickets as per the guidelines and rules applicable. Hence, it is clear that the authorities had seen his tickets which were purchased through private agency and had accepted the

same at the time of grant of advance and while passing of the LTC bills submitted by him. It is seen from the impugned order dated 23.12.2014 (A/5) that the tickets produced by the applicant had clearly stated that the said ticket was purchased through the private agency, which was not admissible as per the guidelines of the Government. If the tickets were seen by the respondents at the time of sanction of the LTC advance or adjustment of the LTC advance, then they should have detected the fact that these were purchased through private agency.

7. It is noticed that the respondent no.5, vide the order dated 23.12.2014 has suggested recovery of the amount in question. There is no order or document produced by the parties in this OA to show that the audit has suggested recovery of the amount from the applicant, who has agreed for recovery of the differential amount between Rs. 64973/- and Rs. 59715/- (i.e. Rs. 5258/-) from him. From the facts of the case, it is clear that apart from the applicant, there were other officials who were responsible for sanction and disbursement of the claim of the applicant towards the LTC, which was not as per the guidelines.

8. In the circumstances as discussed above and taking into the fact that for irregular payment of Rs.59,715/- for wrong LTC bills, the responsibility does not lie with the applicant only but with other officials who are responsible for allowing the inadmissible LTC bills of the applicant, the matter is remitted to the respondent No.2 to fix up the responsibility on the officials, after examination of the records pertaining to the sanction of the LTC advance and LTC claim in question, who were responsible for irregular disbursement to the applicant in violation of the rules and decide at what proportion the amount of Rs. 59715/- is to be recovered from these officials and the applicant after giving opportunity of hearing to all concerned as per the rules. The respondent No.2 will pass an appropriate speaking order for recovery towards loss of the amount as pointed out by the audit from different employees including the applicant after giving opportunity of hearing to all concerned and communicate the same to all concerned for effecting the recovery as suggested by the respondents No.5 vide his order dated 23.12.2014 (A/5). It is made clear that the applicant will be liable to refund Rs. 5258/- plus the amount as would be decided by the respondent No.2 for recovery from the applicant out of Rs. 59715/- as stated above.

9. The OA stands disposed of accordingly with no order as to costs.

(GOKUL CHANDRA PATI)
MEMBER (A)

I.Nath

