

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/84/2019

Reserved on: 28.08.2019

Pronounced on: 29.08.2019

Between:

1. K. Narayana, S/o. late K. Balaiah,
Age: 65 years, R/o. H. No. 10-93/6,
Satyanarayana Colony,
Nagaram, Ranga Reddy District.
2. N. Devanand, S/o. Narayayudu,
Age 61 years, R/o. H. No. 1-109/4,
Pavan Nagar, Nagaram,
Ranga Reddy District.
3. M. Ramaiah, S/o. late Venkataiah,
Age 63 years, R/o. Plot No. 18,
Creative Nestle Apartment,
Kamalanagar, ECIL Post, Hyderabad – 62.

... Applicants

And

1. Union of India, Rep. by its Secretary,
Department of Atomic Energy,
C.S.M. Marg, Anushakthi Bhavan,
Mumbai – 400 001.
2. The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy,
Government of India, ECIL Post,
Hyderabad – 500 062.
3. The Administrative Officer-III,
Nuclear Fuel Complex,
Department of Atomic Energy,
Government of India, ECIL Post,
Hyderabad – 500 062.

... Respondents

Counsel for the Applicants ... Mrs. N. Shoba

Counsel for the Respondents ... Mr. V. Vinod Kumar, Sr. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORDER
{As per B.V. Sudhakar, Member (Admn.) }

2. OA is filed in regard to recovery of amounts paid against LTC claims made by the applicants.
3. Brief facts of the case are that the applicants have retired from service in the respondents organization in the years 2014, 2015 and 2016 respectively. Government of India encouraged its employees to avail LTC in 2009 with certain relaxed conditions like entitlement, leave encashment, etc. Applicants along with other employees availed the LTC facility to travel over to Bagdogra from Hyderabad on 19.03.2014. Claims made for the travel were duly settled. After retiring from service, they have received notices in regard to the LTC claims on 25.07.2017 i.e. after lapse of 3 ½ years. Applicants submitted their reply on 04.09.2017 and 13.09.2017. Without considering the reply, respondents issued three different impugned orders dated 11.12.2018 directing the applicants to repay the amounts along with penal interest on or before 27.12.2018. Questioning the said impugned orders, OA has been filed. On 25.01.2019, this Tribunal stayed the impugned recovery.
4. Contentions of the applicants are that after completing journey, they have submitted the claims which were cleared without any issue. After lapse of 3 ½ years, applicants were informed that since they have deliberately cancelled the LTC-80 tickets and travelled in economy class they were directed to obtain a certificate from the respective Airlines certifying that they have travelled using LTC-80 tickets as indicated in the original receipts submitted by the applicants. Accordingly, when the

applicants approached Air India, they were not provided with information sought by the respondents. Applicants also contend that the tickets were booked through a travel agent, who did group booking wherein the ticket numbers may be changed from one person to another person. Excepting for this slight change, genuinity of the claim made cannot be questioned. Applicants further contend that there is no fraud or misrepresentation committed by them in making LTC claims. They have travelled by Air India economy class, which is the lowest fare provided by Air India. Applicants have travelled in a group for the first time in Air India. The mistake in printing different ticket numbers on the boarding pass other than those indicated in the respective e-tickets may be because of the mistake of the airlines ticketing staff and that the applicants are not responsible for the same. They have performed the journey and hence, eligible for the claim. Applicants also stated that they are depending on the monthly pension and that any penal action would put them to untold hardships. Meagre pension received by them is being spent towards medical expenses for ailments relating to old age.

5. Respondents in their reply statement strongly oppose the contentions of the applicants. Applicants have booked the tickets from unauthorised agents. Indian Audit & Accounts Department vide DO letter dated 03.02.2017 informed that the check of LTC vouchers for the period between 2013-14 and 2014-15 revealed that 32 employees of the respondent organization have deliberately cancelled the LTC 80 tickets issued for the round trip, which has resulted in passing of fraudulent LTC

claims amounting to Rs.40.11 lakhs. Respondents claim that e-ticket number and the number printed on the boarding pass submitted by the applicants are different. Consequently, M/s. Air India was addressed on 26.10.2017 to verify the genuineness of the tickets submitted by the employees. M/s. Air India furnished the requisite information vide letter dt. 26.12.2017, wherein, on verification, it was found that the applicants have claimed far in excess of the amount incurred by them. Respondents also state that the serving employees involved in making excess claims have refunded the entire amount along with interest. Further, three more retired employees have also voluntarily refunded the LTC amount claimed by them with penal interest. Only the applicants have not done so and filed the OA.

6. Heard learned counsel for both sides and perused the pleadings on record.

7. I) Respondents have stated that ticket numbers on the e-tickets and the ticket numbers printed on the boarding passes are different. This could be possible when group ticketing takes place and the same was demonstrated by the learned counsel for the applicants while making submissions. This Tribunal agrees with the learned counsel for the applicants to this extent. However, while going into the details, Department of Expenditure, vide letter No.19024/1/2009-E.IV dated 16.09.2010 has clearly mentioned as under:

“Air tickets may be purchased directly from the Airlines (at booking counters/ website of airlines) or by utilizing the services of Authorised

Travel Agents viz., M/s. Balmer Lawrie & Company, M/s. Ashok Travels & Tours and IRCTC”

Applicants have not booked tickets from the above authorised agents. Therefore, there is a clear violation of the OM cited. Besides, details of the information provided by the Air India vide letter dated 26.12.2017 (Annexure R-III) in response to the respondents request reveals that the amount remitted to Air India by the applicants is far less than the amount claimed by them. Therefore, claim of the respondents that applicants have cancelled the LTC 80 tickets and have taken economy class tickets which are priced lower than LTC 80 turns out to be true. The details of the claim made and the actual amount remitted to Air India in respect of the applicants are given hereunder:

“Shri K. Narayana (Applicant No.1) and 2 family members
(Hyd-Kolkata-Bagdogra-Delhi-Hyd)

E-Ticket No. (Onward & Return) (A)	Fare (For onward and return journey) (Rs.) (B)	Boarding pass No. (Onward & Return) (C)	Actual Fare certified by M/s. Air India (Rs.) (D)	Excess amount claimed (Rs.) (B-D)
P1-0984653274433	42,511.52	P1-0984653274433 P1-0984653274440*	14762.00	27749.52
P2-0984653274434	42,511.52	P1-0984653274434 P1-0984653274441*	14762.00	27749.52
P2-0984653274435	42,511.52	P1-0984653274435 P1-0984653274442*	14762.00	27749.52
Total:	1,27,534.36		44286.00	83248.56

* Boarding passes numbers not matching with E-Ticket number.

Note: Actual amount paid by NFC is Rs.1,20,648.00. Hence, the actual excess amount claimed by Shri Narayana is Rs.76,362/- i.e. (Rs.1,20,648.00 – Rs.44,286.00)

Shri N. Devanandam (Applicant No.2) and 3 family members

(Hyd-Kolkata-Bagdogra-Delhi-Hyd)

E-Ticket No. (Onward & Return) (B)	Fare (For onward and return journey) (Rs.) (B)	Boarding pass No. (Onward & Return) (C)	Actual Fare certified by M/s. Air India (Rs.) (D)	Excess amount claimed (Rs.) (B-D)
P1-0984653274429	42,511.52	P1-0984653274429 P1-0984653274436*	14,762.00	27749.52
P2-0984653274430	42,511.52	P1-0984653274430 P1-0984653274437*	14,762.00	27749.52
P2-0984653274431	42,511.52	P1-0984653274431 P1-0984653274438*	14,762.00	27749.52
P2-0984653274432	42,511.52	P1-0984653274432 P1-0984653274439*	14,762.00	27749.52
Total:	1,70,046.08		59,048.00	110998.08

* Boarding passes numbers not matching with E-Ticket number.

Note: Actual amount paid by NFC is Rs.1,60,864.00. Hence, the actual excess amount claimed by Shri Devanandam is Rs.1,01,816/- i.e. (Rs.1,60,864.00 – Rs.59,048.00)

Shri M. Ramaiah (Applicant No.3) and 2 family members

(Hyd-Kolkata-Bagdogra-Delhi-Hyd)

E-Ticket No. (Onward & Return) (A)	Fare (For onward and return journey) (Rs.) (B)	Boarding pass No. (Onward & Return) (C)	Actual Fare certified by M/s. Air India (Rs.) (D)	Excess amount claimed (Rs.) (B-D)
P1-0984653226000	42,926.52	P1-0984653224999* P1-0984653226004*	10569.00	32357.52
P2-0984653226000	42,926.52	P2-0984653226000 P2-0984653226005*	10569.00	32357.52
P3-0984653226001	42,926.52	P2-0984653226001 P2-0984653226006*	10569.00	32357.52
Total:	1,28,779.56		31707.00	97072.56

* Boarding passes numbers not matching with E-Ticket number.

Note: Actual amount paid by NFC is Rs.1,20,648.00. Hence, the actual excess amount claimed by Shri Ramaiah is Rs.88,941/- i.e. (Rs.1,20,648.00 – Rs.31,707.00)

II. Respondents have also issued proper notice dated 11.12.2018 with the subject - Draft Audit Para titled “Fraudulent LTC claims” to the applicants directing them to refund the LTC amounts sanctioned with penal interest to the extent of Rs. 1,83,781/-, Rs.2,45,041/- and Rs.1,83,858/- respectively from Sri K. Narayana (1st applicant), Sri N. Devanandam (2nd applicant) and Sri M. Ramaiah (3rd applicant), who have now retired from the respondents organization. It was preceded by Memo dt. 25.07.2017 directing them to show cause as to why the total amount and interest should not be recovered without any prejudice to initiate disciplinary proceedings as deemed fit, since the applicants have deliberately cancelled LTC 80 tickets and actually travelled in economy class tickets purchased. 1st applicant Sri K. Narayana, has submitted his reply on 05.08.2017, but did not answer as to why LTC 80 tickets were cancelled, but only stated that he has made the LTC claim as per eligibility and that he would produce a certificate from the airlines as directed by the respondent. However, he did not produce any certificate from the Air India. Thus, as can be seen from the above, Air India has confirmed the amount received from the applicants. This amount is lesser than what the applicants have claimed from the respondents. Facts of the case indicate that the claim made by the applicants is not genuine. Hence, the action of the respondents in issuing notice for recovery is appropriate, apt and as per rules. In fact, for

making bogus claim, applicants are liable for disciplinary action as well. This Tribunal in OA No. 312/2016 has considered and dismissed similar claim. Learned counsel for the respondents submitted that 1st applicant Sri K. Narayana has been granted pension of around Rs.30,000 per month and terminal benefits of around Rs.21.00 lakhs; 2nd applicant Sri N. Devanand has been granted pension of Rs.19,296/- and terminal benefits of around Rs.35.00 lakhs and lastly, 3rd applicant Sri M. Ramaiah has been granted pension of Rs.30,054/- with terminal benefits of Rs.17.54 lakhs. Therefore, applicants stating that they are receiving meagre pension and their financial resources are limited does not stand to reason. Further, respondents have also informed that serving employees have refunded LTC claims with interest and three more retired employees have also fallen in line in regard to the refund of the LTC amount claimed.

III. In view of the above, the Tribunal does not find any ground to intervene on behalf of the applicants. Therefore, OA lacks merit and is accordingly dismissed. Interim order stands vacated. There shall be no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

Dated, the 29th day of August, 2019

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