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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2528/2003

New Delhi, this the 22nd day of October, 2003

Hon'ble Sh. Sarweshwar Jha, Member (A)

1. Sh. Mahesh Kumar Misra
T.No. 3024 VM/AFV
S/o Sh. D.P.Misra
R/o H.No.325, OM-Nagar
Gali No.1, Sardhana Road, Kanker Khera
Meerut Cantt.
2. Sh. S.K.Sharma T.No.3038 VM/AFV
S/o Sh. O.P.Sharma, R/o H.No.B-271
Shradha Puri, Phase II, Meerut Cantt.
3. Sh. K.P.Singh, T.No.2939 T.C.M.
S/o Late Sh. Idam Singh
H.No.159, Sastri Colony, Kanker Khera
Meerut Cantt.
4. Sh. Satya Prakash T.No.3193 VM/AFV
LDC, S/o Sh. Umraw Singh, R/o Vill.
Patla, Distt. Ghaziabad, UP.
5. Sh. D.D.Sharma T.No. 3200 VM/AFV
S/o Late Sh. Maheshanand R/o H.No.114
Ram Nagar, Kanker Khera, Meerut.
6. Sh. Ved Prakash T.No.3135 VM/AFV
S/o Late Sh. Taj Giri, R/o H.No.279
Jawahar Nagar, Rohta Road, Meerut.
7. Sh. Anil Kumar T.No.2930 VM/AFV
Meerut
8. Sh. Jagtar Singh T.No.3201 VM/AFV
S/o Late Sh. Harjeet Singh R/o H.No.529
New Sainik Colony, Kanker Khera, Meerut.
9. Sh. D.P.Singh T.No.3484 T.C.M. (RO)
S/o Sh. Ramanand, R/o Gangnali
Baghpat, Meerut.
10. Sh. Mahesh Chandra T.No.3309 VM/AFV
S/o Sh. Banwari Lal R/o H.No.61
Kashimpur, Meerut Cantt.
11. Sh. Mohd. Iqbal T.No.3322 T.C.M. (Radar)
S/o Late Sh. Shukruddin, R/o H.No.157
Natesh Puram, Kanker Khera, Meerut Cantt.
12. Sh. U.S.Sirohi T.No.3236 TCM (Radar)
S/o Late Sh. Dharam Singh, R/o H.No.38
Shark Colony, Opp. Sai Temple, Kanker Khera
Meerut.
13. Sh. Raj Bahadur T.No.2938 TCM (RO)
S/o Lal Chand, R/o H.No.431, Topkhana
Meerut Cantt.

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14. Sh. O.P.Sharma T.No.3789 CM (TI)
S/o Late Sh. Harprasad, R/o H.No.L-236
Shastri Nagar, Meerut.

15. Sh. O.P.Sangwan T.No.14691437-M Asstt. Foreman
S/o Sh. M.B.Singh R/o C/o Mahaveer Marwari
H.No.577, Mukesh Puram Dantul Road, Kanker Khera
Meerut Cantt.

16. Sh. R.K.Garg T.No.2870 TCM (R)
S/o Late Dr. Shankar Lal Gupta
R/o H.No. L-826, Shastri Nagar, Meerut.
(All applicants are serving in 510, Army Bas
Workshop, Meerut in Industrial Trades with
different grades) ... Applicants
(By Advocate : Shri V.P.S. Tyagi)

V E R S U S

Union of India through

1. Secretary
Ministry of Defence
South Block, New Delhi.

2. The Director General, EME (Civ.)
MGOS Branch, Army Hqrs., DHQ PO
New Delhi.

3. The Controller of Defence Accounts (Army)
Balvedier Complex, Meerut Cantt.

4. The Commandant
510 Army Base Workshop
Meerut Cantt.

... Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicants. At the very outset, he has submitted that the case of the applicants is identical with the cases decided by the Tribunal in OA No. 466/2002 and OA No.2327/2002 on the 24th October, 2002 and 7th May, 2003 respectively. On perusal of the orders of the Tribunal in the said OAs, it is observed that in both the cases it had been alleged by the respondents that the buses in which the applicants had travelled, availing themselves of the LTC, did not have valid permits for operating their bus services. However, it was held by the Tribunal in these cases that it was not the

Subhash Tyagi

fault of the applicants that the relevant buses did not have valid permits and, therefore, the prayers made by the applicants therein had been allowed.

2. On perusal of the submissions, it is observed that the recovery has been ordered to be made from the applicants vide respondents' orders issued to the applicants individually on different dates in 2001 (Annexures A-1). Though the orders say that the recovery has been directed to be made from the applicants for the reason that they had submitted forged LTC claim, it does not specify the fact that the bus in which they travelled also did not possess valid permit. In this regard, the learned counsel for the applicants has invited attention to the internal correspondence between the Departments concerned (Annexure A-4) to point out that the fact that the bus in which the applicants had travelled, availing themselves of the LTC for the respective years, also did not possess necessary permit.

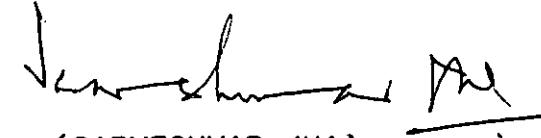
Keeping in view the fact that the applicants have been able to lay their hands on the aforesaid two cases in which they have found identity with their case, it would be appropriate that the respondents apply their mind to this aspect of the case particularly with reference to the decisions of this Tribunal in the two cases that have been referred to herein-above. In order to ensure that the respondents are in possession of the relevant material to be able to consider the matter with reference to the relevant instructions and also in the light of the said decisions of the Tribunal, I consider it appropriate that this Original Application is disposed of at this stage itself, while

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hearing on the point of admission, with a direction to the respondents to consider the prayers of the applicants with reference to the two cases they have cited and decide the matter as per law by issuing a reasoned and speaking order within a period of six weeks from the date of receipt of a copy of this order. The respondents are further directed that this Original Application may also be considered as a representation of the applicants while deciding the matter as directed above.

4. With the above directions, the OA is disposed of at the admission stage itself.

5. Registry is directed to send a copy of this OA along with a copy of this order.



Sarweshwar Jha

(SARWESHWAR JHA)
ADMINISTRATIVE MEMBER

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