

**CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH**

**OA.No.391/2019**

**Dated Friday, the 22<sup>nd</sup> day of March, 2019**

**PRESENT**

**Hon'ble Mr.R.Ramanujam, Administrative Member  
&  
Hon'ble Mr.P.Madhavan, Judicial Member**

M.Babu, AE(QA)(Retd),  
S/o.C.Munusamy,  
850, Big Street,  
Arunthathipuram,  
Nadukuthagai Village,  
Tiruvallur 602 024.

**...Applicant**

By Advocate M/s R.Rajesh Kumar

**Vs.**

1.The Director General Quality Assurance (DGQA),  
H Block, DHQ PO, Room No.34, New Delhi 110 011.

2.The Controller,  
CQAHV, Avadi,  
Chennai-54.

3.The Senior Administrative Officer,  
CQAHV, Avadi, Chennai 54.

4.The Controller,  
CQA(ICV),  
Yeddumailaram,  
Sangareddy (Medak),  
Telangana 502 205.

**...Respondents**

By Advocate Mr.M.Kishore Kumar

**ORDER**

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

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To direct the respondent to pass a speaking order on the applicant's representation dated 04.02.2019 within a time stipulated by this Hon'ble Tribunal and pass such or other order as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

2. The applicant is aggrieved that his claim allowed on the basis of an alleged wrongful sanction of LTC to the applicant while in service for booking Air India tickets through unauthorized travel agent has now been recovered from his terminal benefits and the respondents are also seeking to recover penal interest thereon from the applicant's pension. The applicant made Annexure A-8 representation in this regard dated 04.02.2019 relying on the order passed by this Tribunal in OA 569/2018 dated 17.07.2018. He would be satisfied if the competent authority is directed to consider the representation in line with the order of this Tribunal in the said OA.

3. Mr.M.Kishore Kumar takes notice for the respondents and submits that the applicants in the said OA were serving employees

whereas the applicant herein has since retired and accordingly the wrongful payment had been recovered from his terminal dues. However, there is no objection to being directed to proceed in the matter in accordance with law.

4. Keeping in view the above submission and the fact that OA 569/2018 was disposed of by an order dated 17.07.2018 setting aside the impugned orders therein and granting liberty to the respondents to proceed against the applicants therein in accordance with the provisions of the CCS (LTC) Rules, 1988 relying on a similar order passed by the Hyderabad Bench of this Tribunal in OAs 597-604/2017 dated 27.07.2017, we are inclined to pass a similar order in this matter. However, since the applicant has superannuated in the mean time and retired on 31.10.2018, it is for the respondents to examine if they could proceed with the matter in terms of Rule 9 of the CCS Pension Rules, 1972, if it is prima facie evident that the applicant had caused intentional loss to the exchequer, by purchasing tickets through unauthorized travel agent for the purpose of LTC while in service.

5. The applicant's Annexure A-8 representation dated 04.02.2019 may be considered in the light of the order passed by this Tribunal in OA 569/2018 dated 17.07.2018 which in turn relied on the order

passed by the Hyderabad Bench of this Tribunal in OAs 597-604/2017 dated 27.07.2017. No recovery from the applicant's pension shall be made till the disposal of the applicant's representation in the aforesaid manner.

**(P.MADHAVAN)**  
**MEMBER(J)**

**(R.RAMANUJAM)**  
**MEMBER (A)**

**22.03.2019**

M.T.