

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.736/2018

Reserved on: 21.11.2019
Pronounced on: 26.11.2019

Hon'ble Ms. Aradhana Johri, Member (A)

Sher Singh (APD) (Age 49)
S/o Late Sh. Maan Singh,
R/o Vill. Mursana,
PO Sahkari Nagar,
Bulandshahar, UP.

...Applicant

(By Advocate: Sh. Hansraj Singh)

Versus

1. CEO, DJB
Delhi Jal Board, Varunalya Phase-II,
Karol Bagh, New Delhi.
2. The E.E. (E&M) W&S South-I,
Greater Kailash-I, New Delhi
Delhi Jal Board, Govt. of NCT Delhi.
3. The AAO (E&M) W&S South-I,
Greater Kailash-I, New Delhi
Delhi Jal Board,
Govt. of NCT Delhi.

...Respondents

(By Advocate: Sh. Vishwendra Verma)

O R D E R

The applicant Sh. Sher Singh is an employee of Delhi Jal Board (hereinafter referred to as DJB). He has prayed for quashing the orders dated 24.08.2017 and 27.08.2015 respectively.

2. Order dated 27.08.2015 is issued by the Director (F&A), Delhi Jal Board to all DDOs stating that all cases relating to alleged irregularities in LTC to visit J&K/North-East State by air shall be scrutinized thoroughly by DDO

concerned. Since requisite information is still awaited, officer-in-charge of the Division may be directed to depute an official from his office to take up the matter with the concerned Airlines for getting it expedited. It further states that in the case of DDOs, who do not send the report within 15 days, appropriate action can be taken against them.

3. Order dated 24.08.2017 is issued by EE (E&M) W&S: South-I to all concerned Divisions and several other officers. It states that since on verification of documents submitted in relation to irregularities in cases of LTC visit to J&K/North-East State by air for the block year 2010-13 it is found that wrong drawl of LTC was taken by employees of DJB, therefore, vide this order the concerned employees are directed to deposit the amounts which have been paid to them. The case of the applicant is at serial no.27 and the amount to be recovered is Rs.1,11,259/-.

4. It is the contention of the applicant that as per the decision of Hon'ble Supreme Court in case of ***State of Punjab & Ors. vs. Rafiq Masih (White Washer) etc.*** [2014 (8) SCALE 613] no recovery can be done. He has further relied upon the decision of this Tribunal in the case of ***Ram Dutt Sharma & Ors. vs. CEO, DJB & Ors.*** [OA No.3935/2017] which pertains to some of the employees

mentioned in the office order dated 24.08.2017 wherein the Tribunal has given the following orders:-

*“6. In view of the factual situation in this matter, we direct the applicants of these OAs to give fresh separate individual applications to the respondents within a period of 30 days from the date of receipt of copy of this order. Thereafter, the respondents are directed to dispose of the same with a reasoned and speaking order in light of the aforesaid decision of the Hon’ble Delhi High Court in the **Shakuntala’s case** (supra) within a period of 60 days from date of receipt of such representations made by the applicants.”*

As per applicant’s contention, his case is covered by this order.

5. The respondents have denied the claim of the applicant stating that not only was he not entitled to visit by air but he did not purchase the tickets for the alleged journey from any authorized travel agent. During the course of arguments, learned counsel for the respondents has stated across the Bar that the applicant did not travel at all and did not produce tickets or necessary documentation. However in the counter in para 2 of Preliminary Submission, the respondents have stated that the verification was done from the airlines and found that the above mentioned applicants have failed to follow the LTC rule and tickets were purchased from private travel agency the names mentioned against each. They have stated that the matter was also noticed by the Audit Party of AGCR for non-compliance of LTC rule. Further, the respondents have stated that due to the aforementioned

facts, this matter is not covered by the decision of Hon'ble Supreme Court in **Rafiq Masih's** case (supra). Since the recovery is the result of misrepresentation by the applicant, he will not get any benefit from the aforesaid decision.

6. Heard Sh. Hansraj Singh, learned counsel for the applicant and Shri Vishwendra Verma, learned counsel for the respondents.

7. The applicant's matter is similar to that in OA No.3935/2017 [**Ram Dutt Sharma & Ors.** (supra)]. It is, therefore, directed that the applicant may give a representation giving full details to the respondents within a period of 30 days. Thereafter, the respondents are directed to dispose of the same with a reasoned and speaking order as per rules and law and in light of the decision of the Hon'ble High Court in the matter of **Govt. of NCT of Delhi & Ors. v. Shakuntala Devi** [WP(C) No.2072/2019] within a period of 60 days from the date of receipt of such representation.

8. With the above directions, the OA stands disposed of. There shall be no order as to costs.

(Aradhana Johri)
Member (A)