**(2009) 02 JH CK 0074**

**In the Jharkhand High Court**

A.K. Shrivastava and Another APPELLANT

Vs

Steel Authority of India Ltd. and Others RESPONDENT

**Date of Decision :** 19-02-2009

**Acts Referred:**

**Citation :** (2009) 02 JH CK 0074

**Hon'ble Judges :** Ajit Kumar Sinha, J

**Bench :** Single Bench

**Final Decision :** Allowed

# Judgement

Ajit Kumar Sinha, J.—In the instant writ petition the petitioners pray for issuance of a writ in the nature of mandamus directing the respondent No. 1 to 7 to not deduct any amount from the salaries of the petitioners in pursuance to the Circular No. PER/RR/26/98 dated 22.12.98, i.e. towards L.L.T.C. advance which were given to the petitioners by the Bokaro Steel Plant for visiting any place in India for block years 1998-2001 in pursuance to the rules and regulations of the Management of Bokaro Steel Plant and for the issuance of any other writ or writs for declaration that Circular No. PER/RR/26/98 which came into operation w.e.f. 26.12.98 has no application on the petitioners in the facts and circumstances of this case. The petitioners further pray for a writ, order or direction to the management/respondents to refund the amounts to the petitioners which were deducted by the management/respondents in pursuance to the Circular No. PER/RR/26/98 dated 22.12.98 circulated on 26.12.98.

2. The main contention raised by the counsel for the petitioner is that upon being eligible to avail L.L.T.C. facility, he applied on 2.9.1998 for grant of advance amount for availing L.L.T.C. for going to Port-Blair for the block years 1998-2001 w.e.f. 25.12.1998 and the approval was granted on 22.9.1998 and advance amount of Rs. 50000/- was also given along with the approval for leave to the petitioner. On 25.12.1998 the petitioner left for Port-Blair via Kolkata as per approval of the sanctioned leave schedule and in between Circular was issued by the respondent Management on 22.12.1998 and the said Circular was circulated

 

on 26.12.1998 to all concern in which it was decided that no advance of L.T.C./ L.L.T.C. shall be paid to the employee for journey during the period from 21.12.1998 to 31.3.2000 and accordingly directions were issued to refund advance amount so received.

I have gone through the circular issued by the Personnel Department which has been annexed as annexure 3 at page 38, Clause F of the circular stipulates as under:

employees who have already availed LTC/LLTC at an earlier date i.e. prior to 21.12.1998, and in whose respect reimbursement/payment has not been made/ is in process shall, however, be paid the same.

However, it will be evident that the application and the sanctioned of leave were prior to 21.12.1998 and even approval for advance amount of Rs. 50000/- was made on 22.9.1998 and the advance amount was paid in November, 1998. Even otherwise the counsel for the petitioner has drawn my attention to similarly situated cases wherein no such deduction was made and they arrayed read as respondent No. 8 herein.

3. Considering the facts and circumstances of the case, the respondent Management cannot be allowed to discriminate and adopt double standard and even otherwise once the amount has been sanctioned and the approval has been granted much before, the said Circular cannot be made applicable retrospectively.

4. Considering the aforesaid facts and circumstances of the case, this writ petition is allowed and the respondents are directed to refund the amount which has already been collected within a period of three months from the date of receipt/production of a copy of this order.

 