
(2013) 05 DEL CK 0098

In the Delhi High Court

Case No : Writ Petition (C) No. 755 of 2012

Atul Bhardwaj

APPELLANT

Vs

Shaheed Sukhdev College and Another

RESPONDENT

Date of Decision : 09-05-2013

Acts Referred:

Citation : (2013) 05 DEL CK 0098

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : Ritika Nagpal, Advocate for Respondent No. 1 and Mr. Mohinder J.S. Rupal, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Valmiki J Mehta, J.—No one was present for the petitioner on the first call. No one is present for the petitioner even on the second call. I am therefore proceeding to dispose of the writ petition on the basis of record and on hearing counsel for the respondents. Writ petition is filed by the petitioner-Sh. Atul Bhardwaj who is the employee of respondent No. 1-Shaheed Sukhdev College for quashing of the letter dated 26.12.2011 issued by the respondent No. 1 to recover the amount of Rs. 61,000/-. Orders of recovery were passed by the respondent No. 1 as the petitioner took the advance for LTC travel but failed to adhere to the applicable guidelines for availing of LTC benefit.

2. In the writ petition, the petitioner admits that petitioner did not purchase the ticket from any of the authorized agents namely M/s. Balmer Lawrie & Company, M/s. Ashok Travels & Tours and IRCTC. Petitioner however claims that petitioner was not aware of the Government Memorandum dated 16.9.2010 requiring purchase of tickets only through these agents. The petitioner is however quite clearly lying on oath because the respondent No. 1 has filed the signatures of the petitioner showing that the contents of the circular dated 16.9.2010 were duly noted by the petitioner. The circular alongwith the annexed chart containing the signatures of the employees including the petitioner has been filed by the

respondent No. 1 as Annexure R-2/2 and Annexure R-3. Thus, the petitioner is not entitled to claim that he had no knowledge of the circular dated 16.9.2010.

3. The respondent No. 1 has also raised an issue that the petitioner has wrongly shown the costs of air ticket as Rs. 70,880/- whereas the amount paid for the ticket was only Rs. 38,928/-. This aspect has been adverted to by the respondent No. 1 in its counter-affidavit duly supported by the letter of Air India dated 15.2.2011 as Annexure R-5. For the aforesaid reasons leading to violation of service rules for wrongly taken LTC advance, respondent No. 1 has already initiated departmental enquiry against the petitioner. The memorandum/show cause notice alongwith Article of Charges dated 11.6.2012 has been annexed as Annexures R-8/1 to R-8/6 with the counter-affidavit.

4. There was an interim order in favour of the petitioner dated 7.2.2012 whereby recovery of the amount from the petitioner's salary was stayed. Petitioner was given time to file rejoinder affidavit way back on 9.1.2013. Petitioner has not utilized this opportunity and therefore the facts as stated in the counter-affidavit of the respondent No. 1 have to be accepted by me as correct. In any case, even if there was rejoinder-affidavit petitioner could not have disputed his knowledge of the circular dated 16.9.2010 as the signatures of the petitioner appear in Annexure R-3.

5. In view of the above, the petitioner has therefore violated the relevant rules/regulations/guidelines of the respondent No. 1 for availing LTC travel and thus respondent No. 1 was justified in seeking to recover the amount from the salary of the petitioner. Of course, so far as any issue in the departmental proceedings is concerned, nothing contained in today's order is a reflection on merits of the case of either of the parties and the observations made in this judgment are only for the purpose of the present writ petition. I may note that the petitioner was given appropriate show cause notice for explaining the discrepancies with respect to LTC travel and only thereafter respondent No. 1 has taken action for recovery of the amount taken by the petitioner in advance towards LTC travel from the salary of the petitioner. In view of the above, there is no merit in the petition, which is accordingly dismissed with costs of Rs. 5,000/- to the respondent No. 1.