(2019) 08 CAT CK 0083

In the Central Administrative Tribunal

Case No : Original Application No. 4019 Of 2018, Miscellaneous Application No. 4472 Of 2018

Jagdish Chander Pant And Ors APPELLANT

Vs

Union Of India And Ors RESPONDENT

Date of Decision : 26-08-2019

Acts Referred:
Central Civil Services (Leave Travel Concession) Rules, 1988 — Rule 13

Citation : (2019) 08 CAT CK 0083

Hon'ble Judges : Nita Chowdhury, Member (A)

Bench : Single Bench

Advocate : BK Berera, U. Srivastava

Final Decision : Allowed

Judgement

1. MA No. 4472/2018 for joining together is allowed for the reasons stated therein.

2. The applicants have filed this OA, seeking the following reliefs:-

"(a) to quash the orders dated 18.06.2018 qua the applicants, rejecting the LTC Claims of the applicants and directing them to deposit the total amount as the applicants are entitled for the same under LTC-80 Scheme.

(b) Directions to respondents to pass the LTC Claim of the applicants in terms of OM dated 25.08.2011, i.e. LTC Claims for travel by air may be restricted to LTC 80 Economy class fare of Air India as clarified by the DOPT also as per annexure A-11 while allowing the proposal put up by them.

(c) Any other order as this Hon"ble Tribunal may deem fit under the present facts and circumstances of the case."

3. The applicants in this OA, who are presently working as Group "C" employees in the Central Ordnance Depot, Delhi Cantt and had availed LTC to Srinagar (J&K) during the period 2013 to 2014, are aggrieved by impugned order dated

18.06.2018 directing them to deposit the amount claimed/sanctioned as per CCS(LTC) Rules - Relaxation for travel by air to visit J&K after about 4 years, on the ground that "All Govt. servants intended to avail LTC, it is mandatory to purchase LTC-80 tickets from Indian Airlines booking counter or websites of Air India or through Authorized Travel Agents, i.e. M/s Balman Laurie & Company, M/s Ashoka Tours & Travels and IRCTC, whereas it is seen from tickets of Pvt. Airlines that the same have been booked under LTC-80 Scheme as mentioned on the tickets. However, LTC 80 Scheme is applicable only to Air India and its mention in other Pvt. Airlines Tcikets look dubious as no Pvt. Airlines operative LTC 80 Scheme.

4. The applicant have challenged the aforesaid order on the ground that the respondents have completely ignored the DoPT OM dated 05.08.2010 which is regarding regulation of journey by private airlines while availing LTC to J&K. They have pleaded that they have claimed LTC during the period 2013-2014 in terms of CCS(LTC) Rules, 1988 - Relaxation for travel by air to visit J&K (Srinagar). They have further pleaded that the advance amount claimed by them was calculated and paid on the basis of air fare prescribed/entitled on the basis of Air India fare approved under the Rule LTC-80. They have also averred that after thorough audit, as per CCS(LTC) Rules, DCDA admitted their claim and released the payment which was credited in their respective account along with 10 days leave encashment. They have also drawn our attention to OM dated 18.06.2010 which directed the Ministries/Departments as under:-

"(iii) All other employees of Government of India can travel by air in economy class from Delhi and Amritsar to any place in J&K by any airlines subject to their entitlement being limited to LTC-80 fairs of Air India. Journey from their place of posting up to Delhi/Amritsar will have to be undertaken as per their entitlement.

5. The applicants have further relied upon the instructions of the OM dated 25.08.2011 which provides further clarification that Entitled Class only means Economy class only and all LTC claims for travel by Air may accordingly be restricted to LTC-80 Economy class air fare of Air India from the date of issue of this OM. The applicants have thus pleaded that from the rule position, it is very much clear that the Govt. employees can travel by private airlines and the only restriction is that all LTC claims for travel by air may accordingly be restricted to LTC-80 Economy Class of fare of Air India. They have also submitted that as per Circular dated 19.03.2019, it was however further clarified that in the event of non-entitled officials travelling on LTC by air (Air India/Pvt. Airlines for J&K) while availing special concession for J&K/NER, the booking of tickets/travel has to be done as per the extant orders on the subject. They have, therefore, submitted that since they are non-entitled employees and only requirement is that all LTC claims for travel by air may accordingly be restricted to LTC-80 Economy class of fare of Air India.

6. The respondents have filed their reply in which they have contended that based on a common complaint regarding submission of fraudulent LTC claims, a

special audit was carried out for investigating the LT claims in respect of Defence Civilian employees and on the basis of the audit report, directions were issued to audit authorities to review the LTC claims passed in the earlier two year and the recoveries to be effected in the fraudulent case.

7. The respondents have also mentioned that as per Rule 13 of CCS (LTC) Rules, 1988, "Reimbursement under the leave travel concession scheme shall not cover incidental expenses and expenditure incurred on local journeys and reimbursement for expenses of journey shall be allowed only on the basis of a point to point journey through shortest direct route. They have contended that the applicants in this case have availed the privileges such as pick and drop facilities from Airport, stay, sightseeing etc.

8. The respondents have contended that despite the some cases in respect of LTC being detected by the audit authorities, the recoveries were not made and they have sent the case for bulk relaxation to the DoPT by executive authorities through MoD and MoD, vide their letter No.11(1)/2013-D(Civ-II) dated 03.02.2017 informed that the proposal for one time relaxation in respect of LTC-80 reimbursement claims of Defence civilians was taken up with DoPT but the proposal for granting bulk relaxation to thousand of Group "C" and "C" Defence Service employees has not been agreed to by the DoPT and the DoPT advised to scrutinize the case individually. The respondents, while denying contention of the applicants that they have ignored the DoP&T OM No. 31011/2/2003-Estt.(A) dated 05.08.2019, have submitted that the contents of this OM are to be read in conjunction with DoP&T Om 31011/2/2003-Estt.(A-IV) dated 18.06.2013 and 15.06.2012. They have submitted that they have no objection to purchase of tickets from private airlines but tickets purchased from private airlines under LTC-80 scheme by many applicants are dubious, as LTC-80 scheme is operated only by Air India and not by any private airlines. They have thus prayed for dismissal of the OA.

9. After hearing both the parties and perusing the record, it is noticed that the respondents had sent bulk cases of the Defence civilian employees falling under Group "C" and "D" for one time relaxation in respect of LTC-80 reimbursement to the DOPT through MoD, vide their letter No.11(1)/2013-D(Civ-II) dated 03.02.2017 and DoPT has turned down the said proposal with an advice to scrutinize the case individually. The respondents have failed to give any reply as to why they have not scrutinized the cases individually but have given an omnibus answer for all such cases. Hence, in view of not following the advice given by the DOPT in its true perspective, we direct the respondents to take the decision in each case separately after examining the replies given by the applicants individually, if any, within a period of 90 days of receipt of such reply. The applicants are also directed to file their replies individually within a period of 30 days of receipt of a copy of this order.

10. With the above directions, the OA is allowed in the above terms. No order as to costs.