

(2019) 10 CAT CK 0015

In the Central Administrative Tribunal

Case No : Original Application No. 4505 Of 2018

Vimla Chauhan And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 09-10-2019

Acts Referred:

Citation : (2019) 10 CAT CK 0015

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

Bench : Single Bench

Advocate : BK Berera, ND Kaushik

Final Decision : Dismissed

Judgement

1. This OA has been filed by the applicants, 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 with interest after 4 years as the applicants are entitled for the same under LTC-80 Scheme and have booked tickets through M/s Balman Laurie & Company.

(b) Directions to the 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 as clarified by the DOPT also as per annexure A-11 while allowing the proposal put up to them.

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

2. The applicants in this OA are mainly aggrieved by the order dated 18.06.2018 of the respondents 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 Government 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 Balmer

Lawrie & Co. Ltd.,

M/s Ashoka Tours & Travels and IRCTC. Though 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 tickets look dubious as no Pvt. Airlines operate LTC 80 Scheme. The applicants have pleaded that while passing the order of recovery, the respondents have miserably failed to see that all the applicants had purchased the tickets from the authorized agent, i.e., M/s Balmer Lawrie & Co. Ltd. and all the necessary documents have been filed in this regard. They have also alleged that the respondents have completely ignored the DoPT OM No.31011/2/2003-Estt.(A) dated 05.08.2010 which is regarding regulation of journeys by private airlines while availing LTC to J&K. They have submitted that this OM provides travel by private airlines is available to all the categories of Government employees, including those entitled in travel by Air. The applicants in this OA have further pleaded that the DoPT, vide ID Note No.1266797/2017-Estt. (A-IV) dated 19.09.2017, has relaxed the purchasing Air Tickets through the authorized travel agents, viz. M/s Balmer Lawrie & Co. Ltd., M/s Ashok Travels & Tours and IRCT and the DoPT has further directed that the commission paid to the travel agents and the overhead charges, if any, shall not be reimbursable and the amount so reimbursed shall be restricted to LTC-80 fare of Air India or actual, whichever is less. Hence, being aggrieved by the aforesaid impugned order of the respondents, the applicants have filed the present OA.

3. In reply to the above, the respondents have filed their Counter Affidavit in which it was submitted that a special audit was carried out for investigating the LTC claims in respect of Defence Civilian employees and based on that report, it was observed that the respondents have no objection to purchase of Air ticket from Private Airlines through any of the authorized agents but it is seen that the tickets purchased by the applicants from authorized agents for Private Air Lines reflected the GSPL- 80 terms which clearly shows that the tickets have not been purchased under LTC 80 and thus are dubious in nature.

4. In brief, it becomes clear that during the investigation of LTC claims for J&K and North East, certain discrepancies were noted on the tickets purchased by the applicants, namely, forged e-tickets, availing package facility/cash back facility with LTC-80 tickets issued by private agents, misusing of LTC 80 tickets by M/s Balmer & Lawrie, mentioning of LTC-80 on private airlines tickets and using of fake boarding pass.

5. The main contention of the applicants of this OA is that M/s Balmer Lawrie Co. has wrongly imposed stamp on their tickets because of which they have been given recovery notice by the respondents. However, from the detailed arguments presented by the respondents, it is clear that the applicants have though purchased the Air tickets from the authorized agent, i.e., M/s Balmer Lawrie Co. & Ltd. but the same had been purchased under head "GSPL-80 terms" instead of head "LTC 80" which clearly shows that there is a discrepancy in their tickets.

This position is also not disputed by the applicants of this OA. We have further noted that an investigation had been carried out in respect of LTC claims and a report placed at Annexure R-1 was made which clearly indicates that on scrutiny of LTC claims of DCDA, COD, Delhi Cantt, it has been observed that in all the cases, journey has been performed through private airlines and LTC claims were found to be made on producing of forged e-tickets, availing package facility/cash back facility with LTC-80 tickets issued by private agents, misusing of LTC 80 tickets Balmer & Lawrie, mentioning of LTC-80 on private airlines tickets and using of fake boarding pass and which requires further investigation. Hence, in view of the clear cut discrepancy as mentioned purchased under "GSPL Terms" on the tickets purchased by the applicants by the respondents, we do not find any illegality in the action of the respondents taken in this matter. In brief, the applicants have failed to comply with the LTC conditions for reimbursement because of which the respondents have been forced to take action against them. We also note that the authorized agent, i.e., M/s Balmer Lawrie Co. has been hands in glove with the applicants in assisting them and carrying out the activities of issuing fraudulent tickets and fake boarding passes.

6. In view of the clear cut discrepancy having been found as GSPL terms on the tickets purchased by the applicants though through authorized agent, the OA lacks merits and is accordingly dismissed. No costs.