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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 1774/2014

YATENDRA KUMAR JAIN ..... Petitioner

Through: None

versus

UNION OF INDIA & ORS ..... Respondents

Through: Mr.S.K.Taneja, Sr. Adv. with Mr.Puneet Taneja, Ms.Shaheen, Advs. for-6-7(Syndicate Bank)

Mr.Anupam Sharma, Ms.Aditi Rath, Advs. for R-3

Mr.Vikram Jetly, CGSC for R-1

Mr. K.S.Panihar, Adv. for RBI

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

% **16.05.2017**

1. The petitioner had approached this Court for directing the respondents especially the Syndicate Bank to initiate disciplinary proceedings. It was alleged that several of the banks employees had submitted false LTC claims.

2. The record of proceedings in this Court reveals that after notice was issued, Syndicate Bank in fact initiated proceedings which led to disciplinary proceedings against 20 employees/officers. This led to dismissal of one such charge sheeted employee. For lack of any material, the proceedings against the others were dropped. At the behest of the Syndicate Bank, criminal investigations were also undertaken and the report was filed.

3. On two occasions, this Court had issued directions to the Syndicate Bank to indicate what remedial measures had been taken pursuant to the unearthing of the scam / false claims submitted by the employees not entitled to it. As a consequence, Syndicate Bank had on 25.01.2016 filed an affidavit indicating its up to date and comprehensive circulars with respect to the issue concerning the LTC entitlement of its employees and the revised guidelines applicable. The revised guidelines which especially relate to the present proceedings, are extracted below:-

"CLARIFICATION REGARDING REIMBURSEMENT OF EXPENSES INCURRED UNDER L TC/LFC. (Circular No.59·2012-BC-PD-11-IRD Date: 29-02-2012)

Of late complaints are being received that employees are submitting inflated bills while claiming expenses under LFC. It is clarified that only actual Travelling Expenses are to be claimed as boarding, lodging, sightseeing, visa charges etc. are not to be included. Employees have to ensure that they submit only genuine claims along with receipts I travel bills duly supported by Tickets / Boarding pass as being submitted while travelling on official duty like Training, Meetings etc. Sanctioning Authorities have to verify the bills / receipts / and the boarding pass and ensure that bills are genuine. Whenever the Sanctioning Authority feels it necessary, it may cross verify to ascertain the genuineness of the bills submitted. Whenever instances of misuse of LFC facility are reported, Disciplinary Action shall be initiated against such delinquent employees as per Vigilance guidelines. Further, Recommending / Sanctioning Authorities also shall be held accountable if inflated bills /misuse of LFC facility is sanctioned.

<u>LTC Scenario in the year 2014 and after</u>:

Leave Travel Concession - Travel outside India. (Circular letter no. 1174/0089 dated 1/04/2014)

Hitherto, in our Bank an Officer employee is being allowed to undertake journey L TC/LFC as per his / her entitlement by the eligible mode and class and visit enroute any place/s including place/s outside India subject to reachil1g the declared place of destination in India.
Awaiting detailed guidelines from the Ministry IBA, it is informed that there will not be any LTC / LFC involving travelling outside India with immediate effect.
No fresh sanction shall be entertained for LTC/LFC where visiting places outside India is also involved.
All the Regional Offices / Offices are advised to take note of the above and to instruct all the branches coming under their jurisdiction accordingly.
***Clarification - Leave Travel Concession - Travel outside India**.*
(Circular letter No.1194/0089/PD:IRD(O)/R.44P dated 05.04.2014)

Further to our message dt.01.04.2014 and circular letter no. 1174/0089/PD:IRD(O)/R44P dt. 02.04.2014, in the captioned matter, it is clarified that no fresh sanction shall be entertained for L TC/LFC which involve travel outside India. It is now clarified that Branches / Offices may permit availing LFC / LTC involving travel/visit outside India to the Officers who have already complied with the following requirements before 01.04.2014 by availing Sundry Advance or otherwise:
1. Leave has been sanctioned for availing such LFC/L TC, and
2. Required NOC has been obtained from concerned RO / HO:PD:PAD as the case may be and
3. Advance amount has been paid to the travel agent for purchase of tickets and proof is produced.

It is reiterated that no fresh sanction shall be entertained after receipt of the message dt.01.04.2014 /Circular letter mentioned herein above, until further instructions in respect of L TC/LFC where visiting places outside India is involved.
All the Regional Offices / Offices are advised to take note of the above and to instruct all the branches coming under their jurisdiction accordingly.

Leave Travel Concession - Travel outside India. (Circular No. 143-2014-BC dated 28.04.2014)

Hitherto, in our Bank an Officer employee is being allowed to undertake journey L TC/LFC as per his / her entitlement by the eligible mode and class and visit enroute any place/s including place/s outside India subject to reaching the declared place of destination in India. He/She was reimbursed the fare from his/her place of work to the declared destination in India by the shortest route as per his/her entitlement and eligible mode and class or the actual fare incurred by him/her whichever is less.
We have now received directions from the IBA to put on hold, for the time being, granting permission to Officer Employees to undertake visiting places outside India while availing the LTC/LFC.
Accordingly, the officer employees are hereby informed that visiting places outside India while availing the LTC/LFC is not permitted / allowed with immediate effect until further instructions. No fresh sanction shall be entertained for LTC/LFC where visiting places outside India is also involved. Branches/Offices are advised to take note of the contents of this Circular and act accordingly.

LEAVE TRAVEL CONCESSION-TRAVEL BY AIR (Circular No 251-2015-BC dated 19.06.2015)
Hitherto, in our Bank an Officer employee is being allowed to undertake journey under LTC/LFC with in India as per his / her entitlement by the eligible mode and class and visit enroute any place/s subject to reaching the declared place of destination in India He/She was reimbursed the fare from his/her place of work to the declared destination in India by the shortest route as per his/her entitlement and eligible mode and class or the actual fare incurred by him/her whichever is less. Officer employee may, however, travel by air under economy class (for officer in Middle Management Grade the distance to be travelled is more than 1000 kms.), if he is otherwise eligible.
We have been advised by Govt. of India, Ministry of Finance, Dept. of Financial Services vide letter no, F.NO. 14/04/2013-vig/SSI dated 27.05.2015 that in many LFC cases, office:::,' are reimbursed the full

fare under 'Economy Class' which is 2-3 times costlier than the "easy fare/Check fare", which may lead to malpractices such as cash backs to the Officer and other allurements by the travel agent. Therefore it was requested to reimburse only the "easy fare/Check fare" while sanctioning the LFC bills availed by Officer Employees.
In view of the above Government guidelines all the Branches and Administrative Offices are requested to sanction/reimburse only the "easy fare/Check fare" instead of "Economy Class" while sanctioning the LFC bills availed by Officer Employees.
All the sanctioning authorities are advised to note the above and wherever it is noticed that if any Travel Agent found charging excess fare than the applicable 'easy fare/check fare, booking air tickets from such Travel Agent should be stopped forthwith."

4. The bank has also filed copies of circular dated 01.01.2014 and subsequent circulars in this regard. Its additional affidavit filed subsequently on 02.08.2016, indicates that the LTC/LFT norms are only clarifications designed for application at the bank in accord with the Ministry of Finance guidelines and other practices adopted by other banks.

5. Having regard to the submissions made and the material placed on record, this Court is of the opinion that no further directions are called for. The writ petition is accordingly disposed of.

S. RAVINDRA BHAT, J

NAVIN CHAWLA, J

MAY 16, 2017
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