IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.17178 of 2017

Amresh Kumar ... Petitioner

Vs.

1. The Managing Director and The Chief Executive Officer,
Indian Bank,
Corporate Office, HRM Department,
Nos.254-260, Avvai Shanmugam Salai,
Royapettah, Chennai 600 014.

2. The General Manager,
Indian Bank,
Corporate Office, HRM Department,
Nos.254-260, Avvai Shanmugam Salai,
Royapettah, Chennai 600 014.

3. The Chief Manager,
Indian Bank,
Corporate Office, HRM Department,
Nos.254-260, Avvai Shanmugam Salai,
Royapettah, Chennai 600 014. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Mandamus, directing the respondents to sanction Leave Fare Concession amount in favour of the petitioner and his daughter with respect to foreign travel pursuant to the order of leave sanction dated 05.03.2013 passed by the 3rd respondent amounting to a sum of Rs.76,928/- along with compound interest at 12% per annum from the date of the bill.

For Petitioners : Mr.Y.Kavitha for M/s.Giridhar and Sai

For Respondents : Ms.Rita Chandrasekar for R3

O R D E R

The instant writ petition is for a Writ of Mandamus directing the respondent to sanction the Leave Fare Concession amount in favour of the petitioner and his daughter with respect to foreign travel pursuant to the order of leave sanction dated 05.03.2013 passed by the 3rd respondent amounting to a sum of Rs.76,928/- along with compound interest at 12% per annum from the date of the bill.

2. The petitioner is an employee of the Indian Bank. While he was posted as General Manager (I.E.D), he decided to take Leave Fare Concession (LFC). The petitioner states that by the virtue of the circular dated 10.07.2009, the petitioner was permitted to visit abroad and was entitled to claim fare even for going abroad provided the final destination is in India. The petitioner states that he applied for 20 days travel leave from 20.03.2013 to 08.04.2013. The petitioner also states that, he received a sanction letter stating that he has been granted privileged leave / Leave Fare Concession on 20.03.2013 to avail LFC under II half of 4 years block from 17.12.2010 to 16.12.2014 to go to Melbourne/Singapore/Malaysia/Thailand Via Srinagar with no PL encashment.

3. The petitioner states that he left abroad through Chennai to Kulalumpur to Melbourne, came back to Kulalumpur, Bangalore, Mumbai, Srinagar, New Delhi and Chennai. The petitioner therefore claimed a sum of Rs.63,049/- for the entire travel. The details of journey reads as under:-

Departure			Arrival		
Date	Time	Place	Date	Time	Place
26.03.13	06.00 hr	Egmore Qrs.	26.03.13	07.30 hr	Chennai Intl AP
26.03.13	11.45 hrs	Chennai Intl AP	26.03.13	18.05 hrs	Kulalumpur AP
26.03.13	22.10 hr	Kulalumpur AP	26.03.13	09.05 hr	Melbourne AP
23.06.13	14.30 hr	Melbourne AP	23.06.13	20.30 hr	Kulalumpur AP
23.06.13	22.10 hr	Kulalumpur AP	23.06.13	23.40 hr	Bangalore AP
24.06.13	5.55 hr	Bangalore AP	24.06.13	07.30 hr	Mumbai AP
24.06.13	10.35 hr	Mumbai AP	24.06.13	13.15 hr	Srinagar AP
24.06.13	17.00 hr	Srinagar AP	24.06.13	18.20 hr	New Delhi AP
24.06.13	20.35 hr	New Delhi AP	24.06.13	23.15 hr	Chennai AP
24.06.13	23.45 hr	Chennai AP	24.06.13	00.30 hr	Res - Qrs

4. The respondents have sanctioned a sum of Rs.38,186/-, the petitioner therefore filed the instant writ petition for claiming the Leave Fare Concession. The petitioner states that

he has entitled to the cost of entire travel in terms of the circular.

5. The respondents have filed a counter. In the counter it is stated as under:-

> " 3...Staff members of the Bank who intend to undertake foreign travel using hisNeave fare concession, are necessarily required to visit a place in India for which the eligible fare as laid down in the circular would be paid by the Bank. On such LFC trips, staff was permitted to visit abroad. Upon completion of such travel, the staff member will be reimbursed the actual charges of the journey between point of origin and designated place in India or the cost of fare to such, by the shortest route, by his/her entitled class, whichever is lower. The reimbursement amount will not exceed the "Eligible Fare" i.e. the economy class fare of Air India for travel between the point of origin (Boarding Point) and point of destination in India through the shortest route possible.
>
> 4. In the above background, the Petitioner has applied for Leave Fare Concession - Foreign Travel for 20 days between 20.03.2013 to 08.04.2013 along with his family member (daughter). Fie had submitted his point of origin as Chennai, where he was then working and designated Srinagar as his destination in India. Vide sanction letter dated 05.03.2013 (Annexur e -3) he was granted Foreign LFC for 20 days via Srinagar. He further sought permission for family members to travel separately which was allowed by the Bank. Accordingly, both Applicant and his daughter have undertaken travel separately.
>
> 5. From the bills produced by the Petitioner, it was seen that his actual fare between point of origin and destination i.e., Srinagar was Rs. 13896/- (one way) whereas his maximum eligibility under LFC Rules is Rs. 19093/- (one way). Since the actual fare between point of origin in India and destination in India is lesser than the eligibility, twice the amount of actual fare was reimbursed to him.

6. Heard the counsel for the parties.

7. The learned counsel for the petitioner placed reliance on circular dated 10.07.2009 and stating that the petitioner has entitled to the reimbursement for the entire travel expenses. The relevant portion of the circular dated 10.07.2009, reads as under:-

> "We have been receiving representations from various quarters to permit staff members to avail

LFC to visit abroad and allow them eligible fare upto the permissible distance in India. We are glad to inform you that our Top management has agreed to consider the request of staff members to avail LFC to visit abroad while visiting the declared destination in India subject to the following conditions.

1. So long as the designated place is anywhere in India, and the employee actually visits the place so designated the employee can also travel to a foreign land enroute to his designated place. The cardinal principle is that the employee must visit the designated place which as to be in India.

2. As long as the officer's place of domicile or designated place is anywhere in India and he/she actually visits the place so designated, he/she may be reimbursed actual charges for his/her entire journey within and without India or the cost of fare to his/her hometown/designated place ythe shortest route, by his/her entitled class, whichever is lower.

3. For award staff the reimbursement would be restricted to the maximum eligible amount for the entitled distance according to 2 year/4 year block or the actual cost whichever is lower.

4. India travel agencies who organize the travel are also issuing certificates stating that foreign/inland travel has been undertaken and the amount of fare charged is also stated by them. In such cases the statements made by the travel agencies should be confirmed by the employee concerned. The processing of the bill will be done on the basis of relevant tickets and certification of the employee concerned and he shall be solely accountable for the same.

While applying for LFC, the staff members who are desirous of availing LFC to visit abroad also should specifically mention in their leave application that they intend to visit abroad and they would comply with the instructions stipulated therefor."

8. Revised guidelines were issued on the amount that can be reimbursed by the circular dated 26.09.2011. Under the revised circular, the eligible fare payable to an employee availing Leave Fare Concession reads as under:-

"During each block of 4 years, an officer can avail LFC for travel to his Home Town once in either block of years. Alternatively, he/she may travel in one block of 2 years to his/her Home Town as declared in his/her service records and in the other block to any place including visit abroad, by the shortest route.

The Guidelines on Officers/Executives visiting abroad under LFC were communicated to branches vide circular No.HRM:56:2009:10 dated 10.07.2009. Board its meeting held on 29.06.2011 has approved the methodology to arrive at the eligible Air Fare for reimbursement under Foreing LFC. The revised guidelines effective for journeys undertaken after the date of circular are furnished hereunder:-

- Henceforth, HO HRM Dept, will be sole sanctioning authority for sanction of the LFC (Foreign Travel) bills. (AGM HO:HRM shall be the sanctioning authority for all officers upto Scale IV and GM (HRM) shall be the sanctioning authority for all Executives in Scale V, VI and VII).
- No TA advance shall be given to the staff members for availing LFC under this category.
- As hitherto, officers should obtain NOC for passport/VISA/Visit Abroad from the concerned/sanctioning authority before proceeding on LFC. (Foreign Travel)

Eligible Fare:

The Eligible Fare shall be to the "Economy class fare" of Air India for travel between the point of origin (Boarding Point) and point of destination in India through the shortest route possible or by any non-stop service fare for one way which will be taken as notional fare and twice this amount will be the overall eligibility for travel under LFC. Also, transit through/stop over a particular city in India will also be considered as visiting the place and it is a must."

From the reading of the above discussion, employees are entitled to go abroad under the Leave Fare Concession, but of the reimbursement is limited to the eligible economy class fare of Air India, for transfer between the point of origin (i.e., boarding point) and point of destination in India by the shortest route possible or by any non-stop fare for one way. The amount will be taken as main fare and the employee can claim twice the amount of the main fare. The petitioner is therefore being reimbursed the return fare from Chennai to Srinagar and back.

9. The contention of the petitioner is that the petitioner would be entitled to the entire amount spent by him from Chennai to Melbourne and back to Bangalore, cannot be accepted. The petitioner is permitted to go abroad, what he can claim is only the economic class fare between the point of origin and point of destination to the shortest route possible or by non-stop service fare.

10. The claim of the petitioner is therefore cannot be granted. The Writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pkn.
To

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+1cc to Mr.Aiyar and Dolia , Advocate SR.No. 93271
+1cc to M/s.Giridahar and sai , Advocate SR.No. 93223

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A.SK(13/12/2019)