

WPA 19040 of 2018
Rajendra Singh
Vs.
Union of India & Ors.

Mr. R. N. Majumdar,
Mr. S. M. Obaidullah

.....For Respondent Nos.3 to 6.

Despite the matter being listed under the heading “To Be Mentioned” to give priority in the hearing, the petitioner is not represented. Indian Institute of Technology, Kharagpur is represented.

In this writ petition, the writ petitioner has challenged an order dated August 7, 2018, issued by the Deputy Registrar of the Institute whereby, the Institute sought to recover a sum of Rs. 1,43,487/- towards irregular reimbursement of leave travel concession.

It appears that the petitioner on May 27, 2014, along with his family members undertook a trip and subsequently submitted the bills for reimbursement of their airfare. The same amount was approved and disbursed by the Institute. However, at a later stage, the Institute sought to recover the said amount from the petitioner on the basis of an office order dated June 28, 2012. The relevant part of the said order is quoted below :-

“The undersigned is to refer to earlier Office Order No. Estt./510/2010 dated 22.6.2010 on the above subject and to say that the Competent Authority has

been pleased to approve the implementation of Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Office Memorandum F. No. 31011/2/2003 - Estt. (A) - IV dated 15.06.2012 regarding extension of relaxation for travel by air to visit Jammu & Kashmir under CCS (LTC) Rules, 1988 for further period of two years w.e.f. 18.6.2012, subject to the following conditions :

(a) Travel by Air to continue to be in Economic Class only, irrespective of the entitlement of the officer.

(b) The condition that air tickets can be purchased either directly from the Airlines (booking counters/website) or through authorized agents only viz., M/s. Balmer Lawrie and Co. Ltd., or M/s. Ashok Travels and Tours Ltd./IRCTC (to the extent IRCTC is authorized as per DoPT's O.M.No.31011//6/2002-Estt. (A) dated 02.12.2009), would necessarily apply.

(c) All other conditions prescribed in the DoPT O.M dated 18.6.2010, read with O.M. dated 05.8.2010 and 25.8.2011 would continue to apply".

In the affidavit in reply, the petitioner sought to urge that the recovery was made following an administrative circular dated September 20, 2016. Therefore, it is the case of the petitioner that since the petitioner had travelled in the year 2014, the aforesaid circular dated September 20, 2016, was not applicable to him.

I am of the view that the learned advocate for the Institute has rightly pointed out that the circular dated June 28, 2012, was in force when the petitioner

undertook his travel and the circular dated September 20, 2016, is a mere repetition of the first circular dated June 28, 2012.

The order impugned cannot be interfered with since it is not in dispute that the petitioner booked his air tickets for travel without adhering to the administrative directive dated June 28, 2012.

In that view of the matter, no interference is called for.

Accordingly, **WPA 19040 of 2018** is dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)