IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

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THE HONOURABLE MRS. **JUSTICE R.KALAIMATHI**

W.P.No.23276 of 2012
and M.p.No.2 of 2012

C.Sumathi ... Petitioner

vs.

1.Nuclear Power Corporation
Of India Ltd.,
Madras Atomic Power Station,
Rep.by its Manager HR,
Kalpakkam,
Kanchipuram District.

2.Nuclear Power Corporation of
India Ltd.,
Madras Atomic Power Station,
Rep.by its Station Director,
Kalpakkam,
Kanchipuram District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari calling for the records relating to the order passed by the 1st respondent in Ref.No.MAPS/HR/LTC/2011 dated 23.07.2012 and quash the same .

For Petitioner : M/s.S.Parthasarathy

For Respondents : Ms.V.Kanchana

For M/s.V.Vijay Shankar

ORDER

The Order passed by the first respondent in Ref.No.MAPS/HR/LTC/2011 dated 23.07.2012 is under challenge.

2. The petitioner viz.,C.Sumathi submits that at the relevant point of time she was working as Assistant Grade II (HR) in the respondents Corporation and on 25.06.2009, she availed L.T.C. advance of Rs.2,08,784/- for traveling to Gangtok & Darjeeling. The travel period was from 05.07.2009 to 11.07.2009. The L.T.C. was granted to herself, her husband viz., K.Chandran and her Sons viz., C.Saravna Kumar and C.Dineshkumar. She availed Indian Airlines Economy Class Tickets and completed her tour. On 21.07.2009, she submitted L.T.C claim application for sanction and approval. She availed the services of local reputed travel agencies M/s.Sri Ravi Travels, Chennai Private Limited at No.27, Woods Road, BR Complex Ground Floor, Mount Road, Chennai 600 002.

3. The petitioner further submits that after lapse of two years from the date of her travel, Deputy Vigilance Officer called the petitioner for clarification on the claims submitted by her. On 27.04.2011 that the

clarification sought for, she submitted her reply on the same date. The second respondent without considering her reply on 18.07.2011 passed an order of recovery of Rs.1,32,320/- stating that she has submitted her ticket showing cost of Rs.53,796/- per ticket (total cost of Rs.2,15,184/- for four tickets). Thus, she has actually travelled in Indian Airlines at the costing Rs.76,464/- for four ticket. But she was changed to the effect that she submitted false ticket for claim and reimbursed total excess amount of Rs.1,32,320/-. The said order was passed without calling for her explanation on receiving show cause notice. On 22.08.2011, she submitted her explanation stating that she has not made any excess claim on false tickets and got claim. But without considering her explanation, on 25.08.2011, the first respondent passed an order of recovery from the salary of August 2011 for 59 instalments at Rs.2,205/- and 60th instalment at Rs.2,225/- on 19.10.2011.

4. Heard Mr.S.Parthasarathy, learned counsel appearing for the petitioner and Ms.V.Kanchana, learned counsel appearing for the respondents.

5. The learned counsel for the respondent would vehemently contend that the L.T.C. claims are examined in Nuclear Power Corporation of India

Limited, Heard quarters , Mumbai. After a random checkup, it is found that the excess amount on L.T.C had been claimed by some of the employees. One amongst them was Smt.C.Sumathi, petitioner.

6. It is further contended by her that the report pertaining to the petitioner sent to Nuclear Power Corporation of India Limited, Headquarters, Mumbai, vide letter dated 28.06.2011 is extracted hereunder:-

> "It is found that the petitioner Smt.C.Sumathi, Assistant Grade-2 (HR), MAPS had submitted Indian Airlines air tickets costing Rs.53,796/- per ticket issued by M/s.Ravi Travels, Chennai. As per the ticket, (IATA No.14352166) the class of travel was "Y". But the ticket actually booked through 'Subedar & Sons Travels', Chennai and the actual cost of air ticket will be at actual subject to the condition that it shall not exceed the full economy fare of Air India. It is established that the petitioner claimed extra reimbursement of Rs.34,680/- per ticket (Rs.34,680/- x 4 = Rs.1,38,720/-) by producing false tickets".

7. It is further submitted that on 20.07.2012, NPCIL Headquarters had communicated that M/s.Air India has confirmed that M/s.Ravi Travels (Chennai) Pvt.Ltd., is not their accredited passenger sales agent. Any transaction made through unauthorized agent is not considered valid for L.T.C claim.

8. The petitioner who was working as Assistant Grade II, (HR) in the respondents corporation. On 25.06.2009, she availed L.T.C advance of Rs.2,08,784/- for traveling to Gangtok & Darjeeling for the period from 05.07.2009 to 11.07.2009 for herself, for her husband and two sons. She submitted the tickets and approval was granted by the respondents. She availed Indian Airlines Economy Class Tickets and completed her tour. It is evident that the L.T.C advanced amount was granted to her. The respondent has during random check up it has found that excess amount of L.T.C was claimed by the petitioner.

9. Guidelines No.NPCIL/HRP/19/1/2/2009/135 issued by the Additional General Manager (HRP), Directorate of Human Resources, Nuclear Power Corporation of India Limited in respect of claim of L.T.C is extracted hereunder :-

> "Reference is invited to Corporate Office letter No.NPCIL/HRP/ 19/1/2/2009/492 dated 22.12.2008, on the above subject. The guidelines for regulating air journeys on LTC under NPCIL (Leave Travel Concession) Rules have been further reviewed based on approval accorded by the Board of Directors in the 121st Meeting held on 19.12.2008. It has been decided that the following guidelines shall be followed with immediate effect for regulating air journeys on LTC.
>
> (1) LTC journeys shall be performed by Economy Class of Air India by purchasing any of the

levels of economy fare class tickets. The reimbursement of cost of air ticket will be at actual subject to the condition that it shall not exceed the full economy fare of Air India.

(2) Employees may also avail any of the available packages of Air India for the particular sector within economy fares. Efforts are being made to obtain packages from Air Iridia specific to NPCIL. In the meantime, available packages may be utilized, if they are within economy fares.

(3) Where employees travel by airlines other than Air India, the reimbursement will be limited to the lowest economy fare of Air India which is equivalent to the G Class (Level-4) fare under economy easy fare for the particular sector".

10. The connected guidelines No.NPCIL/HRP/19/1/1/2006/301 dated 18.08.2008 issued in the year 2006 is also extracted hereunder:-

DEPARTMENT OF EXPENDITURE OM NO.F.NO.19024/1/E.IV/2005 DATED 24.3.2006 WHEREBY GUIDELINES FOR AIR TRAVEL HAVE BEEN ISSUED (.) GUIDELINES, INTERALIA, PRESCRIBE THE FOLLOWING:- THESE GUIDELINES, INTERALIA, PRESCRIBE THE FOLLOWING:-

[1]INDIVIDUAL OFFICERS ARE ENCOURAGED TO MAKE BOOKINGSTHROUGH THE INTERNET (.) IT WOULD REQUIRE A CREDIT CARD THROUGH WHICH PAYMENT CAN BE MADE (.) REIMBURSEMENT OF SERVICE CHARGE EXPENSES ON SUCH CREDIT CARD WOULD BE PERMISSIBLE .

(2)WHEREVER THE OFFICER SEEKS TO UTILIZE THE SERVICE OF TRAVEL AGENTS, IT SHOULD BE LIMITED TO M/S. BALMER LAWRIE & COMPANY AND M/S. ASHOK TRAVELS AND TOURS () THE ABOVE AGENCIES WOULD ALSO ENSURE THAT PROCUREMENT OF TICKETS IS MADE ON THE BEST AVAILABLE BARGAIN ACROSS ALL AIRLINES.

11. The other Office Memorandum in respect of Air Travels by the Government service is also extracted hereunder:-

> FURTHER KIND ATTENTION IS ALSO INVITED TO DOPT, OM NO.31011/2/ 2006-Estt(A) DATED 24.4.2006 FORWARDED UNDER NPCIL LETTER NO.NPCIL/HRP/19/1/1/2004 DATED 15.5.2006 RELATING TO REGULATION OF JOURNEYS BY PRIVATE AIRLINES WHILE AVAILING LTC(.) THE ABOVE ORDER STIPULATES THAT CONDITIONS LAID DOWN IN THE DEPARTMENT OF EXPENDITURE".

12. Leave Travel Claim is a concession extended to the employees in certain departments subject to compliance of relevant guidelines. The entire expenditure incurred is paid by the Government. The petitioner who was working as Assistant Grade II (HR) while undertaking tour under LTC is bound by rules and guidelines. Only the services of authorised agent should be utilized to LTC shall be performed by making class for Air India.

13. The guidelines have to obtain packages from Air India specific to Nuclear Power Corporation of India Limited. But the Air Travel in which, the petitioner has got her tickets is not the accredited passenger sales agent of M/s.Air India and is an unauthorized agent.

14. The petitioner has not availed the services of Authorised Agent

which is in violation of the guidelines. The petitioner has not followed the rules and guidelines of the respondents and had availed LTC claim. Therefore, it should not lie in the mouth of the petitioner that as per the e-ticket receipts she paid the amounts.

15. Based on the aforesaid discussions and circumstances, this writ petition stands dismissed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

19.07.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

1.The Manager HR,
Nuclear Power Corporation
Of India Ltd.,
Kalpakkam,
Kanchipuram District.

2.The Station Director,
Nuclear Power Corporation of
India Ltd.,
Madras Atomic Power Station,
Kalpakkam,
Kanchipuram District.

R.KALAIMATHI, J.,

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