

RSA-2347-1999

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2347-1999

Date of order:-10.04.2024

Som Dutt

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr.Sandeep K. Sharma, Advocate for
Mr.Gurinder Pal Singh, Advocate
for the appellant.

Mr.Aman Bahri, Addl.A.G., Haryana
for the respondents.

SUVIR SEHGAL, J.(ORAL)

1. Plaintiff - appellant is before this Court by way of the instant second appeal challenging the concurrent findings recorded by both the Courts below.
2. Brief facts may be noticed.
3. Som Dutt, plaintiff – appellant, who was working as Agriculture Inspector, applied for Leave Travel Concession (LTC) for his wife and mother for the period from 18.12.1992 to 11.01.1993 for their proposed visit to Kanyakumari. After he submitted an affidavit of dependency of his mother, the matter was sent to the Government for clarification. Subsequently, he came to know that the request had been rejected as his family members had proceeded on LTC without prior

sanction. His request for post-facto sanction of LTC, was also rejected. He filed a suit for mandatory injunction directing the defendants to make the payment of LTC. Upon notice, suit was contested by the defendants by filing written statement wherein it was submitted that after applying for sanction of LTC, plaintiff submitted an application for making change in the dates. A stand has been taken that his family members have availed LTC without prior approval, which is violative of the Government rules and instructions. It was further submitted that plaintiff has failed to challenge the rejection orders and the suit was not maintainable in the present form. In the replication, plaintiff reasserted his claim. On the pleadings of the parties, issues were framed and after they led evidence, trial Court by judgment and decree dated 30.10.1996 dismissed the suit. First appeal preferred by the plaintiff was rejected by learned Additional District Judge, Bhiwani by judgment dated 26.08.1998, resulting in the institution of the present appeal by him.

4. I have heard counsel for the parties and considered their respective submissions as well as examined the record with their able assistance.

5. Instructions dated 31.12.1984 Ex.DA have been issued by the Government of Haryana for grant of Leave Travel Concession by the State Government employees for visiting any place in India. Condition (v) of para No.2, which is relevant for the purpose of this appeal, is being reproduced as under:

“(v) Prior permission of the Head of Department of Administrative Department as the case may be should be obtained before undertaking the journey while availing of the concession. A

copy of the application form in which employees should seek such permission is at Annexure ‘A’.”

6. Perusal of the above reproduced condition shows that it was obligatory for a Government employee to seek prior permission of the Administrative Department before undertaking the journey and availing of concession. From the material on record, it is evident that the family members of the plaintiff/appellant had undertaken the journey without prior approval. Furthermore, perusal of order dated 07.09.1993 Ex.D8 as well as 11.11.1993 show that the permission for proceeding on LTC sought by the plaintiff had been specifically rejected by the defendants. Although the plaintiff/appellant had instituted the suit in April 1995 but he has failed to assail both the orders. In the absence of any challenge to the said orders, this suit in any case is not maintainable. This Court is, therefore, of the view that the reasoning given by the Courts below does not call for any interference and the judgments and decrees of both the Courts deserve to be upheld.

7. Finding no merit in the appeal, it is hereby dismissed with no order as to costs.

10.04.2024

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(SUVIR SEHGAL)
JUDGE