

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 585 OF 2019

Sankar Banerjee Vs The State of West Bengal & Ors.

| Serial No. and Date of order. 1 | Order of the Tribunal with signature 2 | Office action with date and dated signature of parties when necessary 3 |
|------------------------------------|--|--|
| 02 11.09.2019 | <p>For the Applicant : Mrs. M.D. Chowdhury, Learned Advocate.</p> <p>For the State Respondents : Mr. G.P. Banerjee, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondent No. 5 to grant him reimbursement of bill of Leave Travel Concession (LTC) after setting aside the order communicated under letter dated May 3, 2019 issued by the respondent No. 5, Executive Engineer, Western Highway Design Division-II, Public Works (Roads) Directorate.</p> <p>The applicant retired from service on January 31, 2019 as Upper Division Clerk from the establishment of the respondent No. 5. On July 24, 2018 the applicant submitted application before the respondent No. 2 through proper channel for grant of No Objection Certificate for availing of LTC by the applicant by visiting neighbouring foreign countries like Thailand, Malayasia and Singapore. On September 12, 2018, the respondent No. 2 granted permission to the applicant for availing of LTC for visit of only Singapore during the period from October 15, 2018 to October 24, 2018 along with members of his family. The applicant visited Bangkok, Kualalampur and Singapore along with members of his family through one travel agent by name CLUB-7. He could not submit air ticket for travelling from Kolkata to Singapore by direct flight and back as he did not travel directly from Kolkata to Singapore</p> | |

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by availing of any flight by economy class to which he is entitled for availing of LTC. The bill collected from travel agent for journey from Kolkata to Singapore and back to the tune of Rs.1,15,395/- was produced by the applicant, but the claim of the applicant for LTC was rejected and the said fact was communicated to the applicant by the impugned letter dated May 3, 2019, which is under challenge in the present application.

Having heard Learned Counsel representing both parties and on consideration of the Memorandum No. 9924-F dated December 07, 2005, Memorandum No. 607-F dated January 20, 2006 and Memorandum No. 7370-F (F) dated October 9, 2015 issued by the Finance Department, Audit Branch, Government of West Bengal, we find that the applicant can visit the neighbouring countries one year before his retirement from service by availing of LTC, but LTC will not be admissible if the journey is made through some package tour agencies. In the instant case, permission was granted to the applicant to visit only Singapore along with members of his family on LTC and thereby he would have been entitled to reimbursement of air fare in the economy class by direct route from Kolkata to Singapore and back. It is specifically mentioned in Memorandum dated October 9, 2015 that for the purpose of availing of LTC in neighbouring foreign countries the employee can travel by air in economy class from the nearest International Air Port of the country on condition that the journey will have to be performed either by National Carrier or Private Air Lines of the country. The contention of the applicant is that he travelled by Indigo and Air Asia for visiting Bangkok in Thailand,

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Kualalampur in Malayasia and Singapore and back to Kolkata via Chennai. The claim for reimbursement of the bill of the applicant was rejected on the ground that the applicant availed of LTC by engaging travel agent CLUB-7 and that he did not travel directly from Kolkata to Singapore for which permission was granted to him.

With the above factual matrix, we have to decide whether rejection of claim of the applicant for reimbursement of LTC bill is justified under the law. If we make strict interpretation of three Memorandums dated September 7, 2005, January 20, 2006 and October 9, 2015, we can very well hold that the claim of the applicant for reimbursement of LTC bill was rightly rejected on the grounds (i) that he visited Bangkok and Kualalampur without permission, (ii) that he did not visit Singapore from Kolkata by direct route, (iii) that he engaged Travel Agent – CLUB-7 for the tour. However, if we make liberal interpretation of the above memorandums, we can infer that the applicant was granted permission to visit Singapore by availing of economy class by any National Carrier or Private Air Lines of the country. The applicant had to incur more expenditure for travelling to Bangkok and Kualalampur and for coming back to Kolkata from Singapore via Chennai. Since the provision is made by the State Government for giving benefit of LTC to the State Government employees once in the entire career before retirement from service by visiting any part of the country or by visiting some of the identified neighbouring foreign countries, we would like to hold that the object of giving LTC to the State Government employees will be totally frustrated if reimbursement is not given for the air fare by economy

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class from Kolkata to Singapore and back to the applicant and other members of his family for which permission was granted to him. Thus, by making liberal interpretation of the memorandums dated September 7, 2005, January 20, 2006 and October 9, 2015, we are of the view that the applicant should be given the benefit of LTC by reimbursement of economy class air fare by Indigo Air Lines for travelling from Kolkata to Singapore and back. The fare of economy class in Indigo Flight can be ascertained if the ticket is purchased two months in advance for undertaking the journey. The minimum price of economy class fare of the air ticket to be purchased two months in advance for undertaking journey from Kolkata to Singapore and back will be the amount to be taken into consideration for reimbursement of LTC bill of the applicant and two members of his family. The ancillary expenditure incurred by the applicant for availing of LTC will not be reimbursed, except economy class air fare from Kolkata to Singapore and back as indicated hereinabove.

In view of our above findings, the order communicated under letter dated May 3, 2019 (annexure J to the original application) is modified to the extent that the applicant is entitled to reimbursement of LTC bill to the extent of only economy class air fare by Indigo Flight from Kolkata to Singapore and back for himself and two members of his family - the fare being ascertained as the lowest in the economy class, if the ticket is purchased two months in advance. The respondent No. 2, Joint Secretary (Personnel), Public Works Department, Government of West Bengal is directed to take urgent necessary steps for reimbursement of LTC bill of the applicant in

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terms of this order within a period of twelve weeks from the date of communication of the order.

With the above direction, the original application stands disposed of.

Let a plain copy of the order be supplied to both parties.

S. K. DAS
MEMBER(A)

R. K. BAG
MEMBER(J)

Rajib

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