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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. No.735/99

New Delhi, this the 3 day of May, 1999

Hon'ble Shri R.K. Ahooja, Member(A)

Shri Raesh Kumar  
S/o Late Shri Chandra Prakash  
R/o M-3, Jangpura Extension  
New Delhi

Employed as Senior Research Officer  
Planning Commission  
Yojana Bhawan, New Delhi .... Applicant

(In person) Versus

Director General of Civil Aviation  
Safdarjang Airport  
New Delhi ... Respondent

ORDER

The applicant working as an Assistant Director of Communication with the Directorate General of Civil Aviation, was declared surplus on 2.10.1989. On 11.7.96 he was relieved from the office of Director General Civil Aviation for deployment as a Senior Research Officer with the Planning Commission. The applicant submits that on receiving the relieving order he applied for earned leave before joining his new department on 12.7.1997. However, the leave application was returned to him with the advice that he should submit it to his new department. On joining the new department the applicant submitted his leave application but there he was told the leave was to be sanctioned by the relieving department and accordingly they referred the case to the Directorate General of Civil Aviation vide their letter dated 26.2.1997. Instead of sanctioning the leave, the respondent referred the matter to the Department of Personnel. Finally the leave was sanctioned on 3.7.1997. The leave salary was released only on 24.7.1997 and that too in part. In consequence, the

applicant was put to financial hardship. He has, therefore, come before the Tribunal seeking direction to the respondents to pay him a sum of Rs.8447/- being the interest on delayed payment of leave salary for the period 12.7.1996 to 13.1.1997.

2. I have heard the applicant in person on admission. The applicant does not have even a *prima facie* case. Admittedly, the applicant cannot claim grant of leave as a matter of right. He argued that the respondents had no reason whatsoever for refusing leave but for ulterior reasons, they first directed him to file his application with the Planning Commission and thereafter referred the matter to the Department of Personnel with the result that he could not get his leave salary for 46 months. He also submitted that in the normal course it would have been difficult for him to make his both ends meet. This is, however, not a correct view of the matter. Normally leave can be availed of only after it is sanctioned and leave salary can be paid also only after the leave is sanctioned. Admittedly, the leave was sanctioned vide order dated 3rd July, 1997 (Annexure A-IV). The payment of leave salary was made a month thereafter. There was, therefore, no undue delay in the payment of leave salary. Even though the applicant made an allegation of *mala fide*, no details have been furnished by him regarding the basis of such an allegation. The respondents were free to make any enquiries from the Department of Personnel if they had any doubt as to which was the competent authority to sanction leave and merely because the interpretation of the applicant came to be confirmed by the Deptt. of Personnel does not imply that the action taken by Directorate General Civil Aviation was the result of *mala-fide*.

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5. In the above circumstances there is no merit in the application. The same is dismissed summarily at the admission stage itself.

SC\*

~~R. K. Ahuja~~  
(R. K. AHOOJA)  
MEMBER (A)