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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A. No.147/99

In

O.A. NO.735/99

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)

New Delhi, this the 21st day of July, 1999

Shri Rakesh 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

Versus

Director General of Civil Aviation
Safdarjung Airport
New Delhi

....Respondent

O R D E R (By Circulation)

The O.A. was filed by the applicant seeking a direction to the respondent to pay him a sum of Rs.8447/- being the interest on delayed payment of leave salary due to delay in the sanction of his leave. The O.A. was discussed. The applicant now submits in review that there is an error of fact and law in the impugned order as it was mistakenly concluded that the applicant had come against refusal of leave when in fact he had come against delay in sanction of leave.

2. I have gone through the review petition. The facts of the case have been stated in the opening paragraph of the order in the O.A. It was noted in the order that the leave was sanctioned ultimately vide order dated 3rd July, 1997 and payment of leave salary was made a month thereafter. The grievance of the applicant was that he had applied for leave in the old department but was directed to apply to the new department. The fact remains that he had applied for

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and availed the leave before it was finally sanctioned. It was held that grant of leave could not be claimed as a matter of right and that the leave salary could be paid only after the leave was sanctioned. However, as there was no delay in paying the leave salary after the sanction of leave, there was no ground for the grievance of the applicant unless he could show that a Government employee could avail of leave as a matter of right even without the same being sanctioned. In the facts of the case the Tribunal also found there was no mala-fide. For these reasons the applicant's case could not be ^{accepted or} ~~interfered~~.

3. In the light of the above discussion, finding no merit in the R.A., the same is summarily dismissed.

R. K. Ahooja
(R. K. AHOOJA)
MEMBER (A)

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