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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 232/97

New Delhi this the 17 Day of August 1998

Hon'ble Shri R.K. Ahooja, Member (A) 21

Shri B.S. Sood,
Retd. Principal,
Govt. Boys Sr. Sec. School No. 2,
Punjabi Bagh, New Delhi.

R/o. 27 Avtar Enclave,
Paschim Vihar,
New Delhi.

Applicant

(By Advocate: Shri R.L. Sethi)

-Versus-

1. Union of India/Govt. of India
Through
The Secretary Education,
Govt. of Delhi, Alipur Road,
Delhi.
2. The Dy. Director of Education,
Distt. West New Moti Nagar,
Delhi-110 015.

Respondents

(By Advocate: Shri Ajesh Luthra)

ORDER

The applicant superannuated from the post of Principal in the Education Department, N.C.T. of Delhi on 31.4.1995. His grievance is that the respondents have not allowed him the encashment of leave earned by him during 17/8 1990 to 1993.

2. The facts of the case, briefly, are that the applicant while working as Vice Principal at Govt. Boys Senior Secondary School No. 2 Punjab Bagh was declared Drawing and Disbursing Officer vide order dated 16.5.1990. He was again declared Drawing and Disbursing Officer for Govt. Boys Senior Secondary School, Punjab Bagh, vide order dated 25.3.1991. The applicant was admittedly in a Vacation Department. He states that as he was appointed Drawing and

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Disbursing Officer, he had applied under Rule 28 CCS (Leave) Rules 1972, to count the period of vacation during which he worked towards his leave entitlement.

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3. The respondents have denied the claim of the applicant. They state with mere conferment of powers of the DDO does not mean that applicant was obliged to attend office during the vacations. They further submit that the applicant, under the relevant rules, on which he relies, had either to produce a direction to him to attend the office or alternatively to produce collateral evidence that he had actually attended office during the vacations.

4. I have heard the learned counsel for the applicant, Shri R.L. Sethi. He cites two cases of this Tribunal in support of this case. The first is C.B. Aggarwal Vs. Delhi Administration & Others in TA No. 1041/85 decided on 17.9.1991 and the second one is Satya Dev Sahni Vs. Govt. of NCT Delhi and ors. in O.A. No. 249/96 decided on 20.1.1997. I have perused these orders. In C.B. Aggarwal (Supra), a claim was made on similar grounds. The applicant had produced ~~some~~ ^{certain} documents including a letter written by the Director of Education addressed to all the Heads of Government and Government aided Schools that they should attend the school during the summer vacation from 15-25 May 1985 for which they will be granted compensatory leaves as admissible under the rules. A corrigendum to that letter also laid down that admissibility of earned leave will be subject to the submission of the certificate by the Deputy Director (Education) that the specific work was done by the

individual officer concerned and the attendance of the individual officer had been duly verified. in that case a certificate of Deputy Director (Education) was available. The present case is different as there is no such letter or direction from a superior authority that DDO should attend the office during the period of vacation. There is also no certificate by any superior authority that the applicant had actually attended his office during the relevant period. Therefore, the facts in C.P. Aggarwal (Supra) being different the ratio of that decision does not apply to the case of the present applicant. In the other order of this Tribunal, Satya Dev Sahni (Supra), the that case the respondents understand that there was no application seeking encashment of earned leave for the period he had worked as DDO between 1987 - 1994. He was also taken that applicant who have approached the respondents after pasage of each year for getting the leave encashment in his favour. It was concluded in the order that the applicant may submit a comprehensive representation which was to be considered in the background of rules provision. In the present case the Respondents have already considered the representation and come to the conclusion that since the present applicant to neither produced evidence that he had been directed to attend office nor that he actually attended office, he is not entitled to count the period of vacations towards his earned leave. Thus, Satya Dev Sahni (Supra) also does not help the case of the applicant.

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5. In sum total, I find no basis to uphold the claim of the applicant. Mere conferment of power of DDO does not imply that the officer concerned must attend his office regularly even during the vacation period. There must be some collateral evidence that the applicant had actually attended the office or was directed to attend [redacted] office. Since I find no such ground, the claim of the applicant is liable to be rejected.

6. O.A. is accordingly dismissed. There will be no order as to costs.

R.K. Ahuja
(R.K. Ahuja)
Member(A)

Mittal