

(8)

Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.2415/94

New Delhi this the 24th Day of July, 1995.

Hon'ble Shri B.K. Singh, Member(A)

Shri Pohnu Lal Sharma,
S/o Sh. Jagdish Ram,
R/o Plot No.4 Block-C,
Shyam Vihar,
Gola Road,
Deendarpur Extension,
Najafgarh, New Delhi-43.

Applicant

(through Sh. R.S. Rawat, advocate)

versus

1. Union of India,
through the Secretary,
Ministry of Agriculture,
Govt. of India,
Deptt. of A.H.&D.,
Krishi Bhawan,
New Delhi.

2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi.

3. The Pay & Accounts Officer,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi.

Respondents


(through Ms. Anju Jain, proxy counsel for
Ms. Pratima K. Gupta, advocate)

ORDER(ORAL)

delivered by Hon'ble Sh. B.K. Singh, Member(A)

In this O.A. No.2415/94 the applicant has assailed Part-I of the office order No.40 dated 20.10.1994 issued vide letter No. 2-133/60-Estt.II issued by Respondent No.2 curtailing the earned leave from 120 days to 27 days.

The admitted facts are that the applicant has completed 33 years of service and has accumulated 164 days earned leave to his leave account. The previous circular issued by the Government of India,



9

-2-

Ministry of Personnel, Public Grievances & Pension (Department of Personnel & Training) is at Annexure-I enclosed with the counter-reply. This circular has subsequently been modified by another circular issued by Deptt. of Personnel & Training on 31.7.92 vide O.M. No. 12012/5/86-Estt.(L) dated 9.1.92 wherein the provisions of previous O.M. have been modified. This is as per award of the C.A. Reference No.2 of 1989 which states that "The President is pleased to decide that the leave entitlement of industrial employees in Central Government Departments other than Railways shall be modified as follows:-

"(i) The existing condition of 240 days service for grant of any leave with wages to the Industrial employees stands removed.

(ii) The restriction on carrying forward leave at the credit of an industrial employee beyond 30 days stands removed.

(iii) The limit of total accumulation of earned leave for the industrial employees shall be 120 (one hundred twenty) days."

The order has been made effective from 1.1.1991. There is no ambiguity in the circular issued by the Department of Personnel & Training and according to this circular the applicant is entitled to 120 days

B

leave as per accumulation of 164 days leave in his leave account. This being so the order issued by the respondents on 20.10.94 is quashed and set aside and the respondents are directed to allow leave encashment of 120 days to the applicant.

With these directions, this O.A. is disposed of finally, but without any orders as to costs.



(B.K. Singh)

Member (A)

/vv/