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Central Administrative Tribunal
Principal Bench, New Delhi.

O.A. No. 1976/94
M.A. No. 3364/94

New Delhi this the 23rd Day of February, 1996.

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

Shri S. K. Duggal,
working under General Manager (P&A),
NTPC Bhawan, Scope Complex,
7, Institutional Area,
Lodhi Road,
New Delhi.

Applicant

(through Sh. B.S. Maini, advocate)

versus

1. Union of India through
the General Manager,
Central Railway,
Bombay V.T.
2. The Divl. Railway Manager,
Central Railway,
Bombay V.T.
3. The General Manager (P&A),
N.T.P.C. (NTPC),
N.T.P.C. Bhawan,
Scope Complex,
7, Institutional Area,
Lodhi Road,
New Delhi.

Respondents

(through Sh. K. K. Patel, advocate)

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

This application has been filed by the applicant claiming the relief that on permanent absorption to N.T.P.C., the respondents should be directed to transfer the earned leave account for the period from 22.5.74 to 7.4.85 alongwith leave salary for the said period. The learned counsel for the applicant has drawn the attention of this Tribunal to the rule position which is very clear

and is extracted below:-

"(3) On permanent absorption in a statutory body or autonomous organisation owned or controlled by Government - In respect of deputationists who opt for absorption in any statutory body or autonomous organisation owned or controlled by Government, such body or organisation should take over the liability in regard to leave on average pay/earned leave that the optee has to his credit at the time of leaving Government service and in return Government shall pay to the statutory body/autonomous organisation a lump sum equal to leave salary for the leave on average pay/earned leave due to the Government servant on the date of his permanent absorption in such body/organisation. While issuing the final sanction for the absorption of the optee in the autonomous organisation, the Administrative Ministry/Cadre Authority concerned should also incorporate the provision with regard to payment of lump sum equal to leave salary by Government. This benefit will be available only in cases where the permanent transfer from Government service to a statutory body/autonomous organisation is in public interest. These orders take effect from the 20th February, 1971 and cases already decided otherwise will not be reopened.

Deputationists who initially joined the enterprise on their own volition may also be permitted to carry forward the leave at their credit on their absorption in the enterprise but the period of leave to be carried forward should be restricted to 120 days."

The learned counsel for the respondents fairly concedes the contents of the circular and has also drawn the attention of the Tribunal to the additional affidavit filed by the respondents which is at page-44 of the paperbook and in this the applicant was directed to refund the leave salary amount which he has already done. The respondents have now decided to take over the liability in regard to leave on average pay that the optee has to his credit at the time of leaving the Govt. service and in return, the Government shall pay all the statutory body/autonomous organisation, a lumpsum equal to leave salary for the leave on average pay, which is earned leave due to the Government servant on

(6)

the date of his permanent absorption in such body/organisation. It is presumed that the matter which has already delayed causing undue mental hardship will be sorted out within a period of two months. The learned counsel for the applicant states at the Bar that he has already sent back cheque to the authorities concerned. In view of this, the Q.A. is disposed of ~~as above~~ but without any order as to costs.

(B. K. Singh)
Member (A)

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