

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**O.A. No.2945 of 2004
M.A. No.2454 of 2004**

New Delhi, this the 4th day of January, 2005

HON'BLE SHRI SHANKER RAJU, MEMBER (JUDICIAL)

1. Lila Ram
S/o Shri Jarur Singh,
R/o P-107/4, Kabul Line,
Delhi Cantt.
2. Suraj
S/o Shri Ram Sarup,
R/o TR/2, Old Kabul Line,
Delhi Cantt.
3. Bhim Bahadur,
R/o T-1/2 No.4 Poultry Farm,
Delhi Cantt.
4. Munna Lal,
Working as Mate under GE (W),
MES Delhi, Cantt.
5. Om Prakash
Working as Mate under GE (W),
MES Delhi, Cantt.
6. Giashu Ram
Working as Mate under GE (W),
MES Delhi, Cantt.
7. Ram Ratan,
Working as Mate under GE (W),
MES Delhi, Cantt.

....Applicants

(By Advocate : Shri M.K. Bhardwaj)

VERSUS

Union of India & Ors through

1. The Secretary,
Ministry of Defence,
South Block, New Delhi.
2. The Controller General of Defence Accounts,
5th Floor, R.K. Puram,
New Delhi.
3. The LAO (A),
Chandi Mandir,
Chandigarh.
4. The PCDA (WC)
P/2/Tech., Chandigarh.
5. The AAO(WC)
GE (W), Delhi Cantt.

(2)

6. The GE (W),
MES, Delhi Cantt.
New Delhi.Respondents
(None present even on revised call)

ORDER (ORAL)

None appeared for the respondents despite DASTI service. I proceed to dispose of the present Original Application in terms of Rule 16 of the CAT (Procedure) Rules, 1987.

2. Learned counsel of applicants heard.

MA 2454/2004

MA 2454/2004 for joining together is allowed.

OA 2945/2004

Applicants' learned counsel contends that denial of grant of leave encashment upto 300 days to the applicants is an illegal and arbitrary action of the respondents. It is stated by the learned counsel that under Rule 6 of CCS (Leave) Rules, 1972 by way of amendment substitution for 240 days is now 300 days to be credited *sue moto* to the Govt. servant's leave account. This has been brought out vide OM dated 18.4.2002 which took effect from 1.7.1997. The applicants when transferred to Industrial Establishment in the year 2003, the aforesaid amended rules existed.

2. I also find that similarly situated persons have already been granted the benefits of 300 days, depriving the just claim of the applicants. It is clear from the pleading that when the applicants were transferred to Industrial Establishment, the amended rules with regard to leave encashment existed. As such the action of the respondents depriving the just claim of the applicants is not in accordance with rules.

3. In the result, present OA is disposed of with a direction to the respondents to grant leave encashment to the applicants in terms of the amended Rule 6 of CCS (Leave) Rule s within a period of two months from the date of receipt of a copy of this order. No costs.

S. Raju

(SHANKER RAJU)
MEMBER (JUDICIAL)

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