

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 21<sup>st</sup> day of May 2010

Original Application No. 1633 of 2005

Hon'ble Mr. S.N. Shukla, Member (A)

Chandrika Prasad Singh, S/o Shri C.P. Singh, R/o 95/108 A Sarvodaya Nagar, Allahapur, Allahabad.

... Applicant

By Adv : Sri N.L. Srivastava

**V E R S U S**

1. Union of India through Secretary, Ministry of Communication, Department of Post, New Delhi.
2. Senior Superintendent of Post Offices, Allahabad Division, Allahabad.
3. Post Master General, Allahabad.
4. Director, Postal Accounts, Lucknow.

... Respondents

By Adv: Shri S. Srivastava and Sri D.C. Tripathi

**O R D E R**

This OA is filed seeking following reliefs:-

2. The applicant seeks direction to the authorities to grant encashment of 106 days of leave as Earned Leave claimed by him.
3. Earlier the applicant had approached this Tribunal by filing OA No. 1450/02 on 02.08.2005. The operative part of the said order reads:-

"..... it is seen that EL has been converted in to commuted leave which is duly signed by the SSPOs, Allahabad. The application for 02.06.1994 to

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13.06.1994 is for conversion of EL in the record. All these things need to be rechecked. Therefore, this matter is remitted back to the SSPO, Allahabad who may verify the position in the presence of the applicant and pass appropriate orders thereon. It would be open to the SSPOs to verify the facts. He may call the applicant to remain present in his office as per his convenience on a date to be fixed by the SSPOs, Allahabad. In case it is found that there are more days which need to be treated as commuted leave as per his application, then appropriate order to that effect may be passed for payment of the rest of leave encashment to the applicant within a period of three months from the date of receipt of a copy of this order."

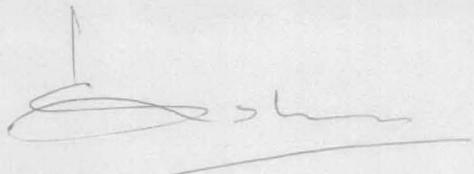
4. The respondent authority passed order dated 28.10.2005 (Annexure A-8) impugned in this OA. Significantly it has been recorded in the order itself that on the appointed date for giving a hearing to the applicant i.e. on 25.10.2005, to produce supporting evidence, the applicant choose not to attend with regard to the disputed period of 106 days as claimed to be as Earned Leave. A finding has been given in the order that for this period the applicant had applied for commuted leave and the same was sanctioned and necessary entry has been made in the service record. In para 'D' of the counter affidavit under heading 'Preliminary Submission' that position has been reiterated.

3. Heard learned counsel for the parties, perused the pleadings and the written submission filed on behalf of parties' counsel. No infirmity has been found in the impugned order. The OA seems to have been filed apparently due to non appreciation of the correct position of leave account.

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4. A perusal of the order and the fact that the applicant choose to keep away from inspection of record and personal hearing on appointed date supports the order of the authority that the conduct of the applicant in making his claim is not beyond suspicion. The last but one para of the impugned order refers.

5. In view of the above this Tribunal is satisfied that the applicant has failed to make out any convincing case. Accordingly, the OA is dismissed. No cost.



Member (A)

/pc/