

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.480/03

Thursday this the 5th day of February, 2004.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

P.Koya,
S/o.C.C.Shek Koya,
Primary School Teacher Grade I,
Government High School, Androth.

Applicant

(By advocate Mr.P.V.Mohanam)

Versus

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
2. The Director of Education,
Union Territory of Lakshadweep,

(By advocate P.R.Ramachandra Menon)

The application having been heard on 5th February, 2004,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, a primary school teacher in the Education Department of the Lakshadweep Administration was, by A-1 order dated 7.3.94, put in reserve list for conducting SSLC examination duty as Assistant Superintendent. Names of 17 persons were put in the main list and 5 in the reserve list. The Administration granted earned leave for 17 days to those whose names appeared in the main list. The applicant was not granted any earned leave. Finding that the Tribunal had in its order dated 15.6.93 in OA No.97/02 directed the Lakshadweep Administration to grant earned leave to the extent of the loss of vacation to persons who were prevented from enjoying the vacation and that the said order of the Tribunal had been implemented by A-5 order dated 17th January, 2000, the applicant made a representation claiming that he was entitled to get earned leave in lieu of prevention of vacation.

Alleging that he did not get any reply to the representation, in reply to which he received the impugned order Annexure A-6 dated 19.3.2002. It is stated in the impugned order that as the applicant was not called upon to attend the examination duty during 1994 vacation, he was not prevented from availing vacation

and therefore his request for earned leave in lieu of prevention of vacation was not sustainable. Aggrieved by that, the applicant has filed this application for setting aside A-6 and for a declaration that the applicant is entitled to get earned leave as he was required by a special order to forego a portion of a vacation as his name was put in the reserve list.

2. The respondents have filed a reply statement resisting the claim of the applicant. They contend that the applicant had not attended the examination duty during the vacation period in 1994, that as his name was included only as a reserve he was not prevented from availing vacation and that therefore the applicant is not entitled to get earned leave.

3. In this case, the applicant's name was included in the reserve list to be called for examination duty only in case officials from the main list would become unavailable. Since such a contingency obviously did not arise and because the applicant therefore did not have to loose vacation or any part thereof, his claim for earned leave is baseless and unsustainable.

4. In the result, the application is dismissed. No costs.

Dated 5th February, 2004.

H-1-20

H.P.DAS
ADMINISTRATIVE MEMBER

aa.



A.V.HARIDASAN
VICE CHAIRMAN