

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No. 75 of 2009**

TUESDAY, this the 27<sup>th</sup> day of October, 2009

**CORAM:**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

P.K. Aboobacker,  
S/o. Late Shri Kunjumohamed,  
Retired Postmaster, Cherthala,  
Residing at Sameer Manzil,  
(Puthenpurayil). Poochakal P.O.,  
Pin : 688 526

... Applicant.

(By Advocate Mr. P.C. Sebastian)

v e r s u s

1. The Postmaster General,  
Central Region, Kochi – 682 018
2. The Director of Postal Services,  
Central Region, Kochi – 682 018
3. The Superintendent of Post Offices,  
Alappuzha Division, Alappuzha : 688 012
4. The Union of India, represented by its  
Secretary, Ministry of Communications,  
Department of Posts, New Delhi.

... Respondents.

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

The Original Application having been heard on 15.10.09, this Tribunal  
on 27-10-09 delivered the following :

**O R D E R**

**HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER**

The grievance of the applicant is that while at one point of time  
(01.01.2005 and 01-07-2005) his earned leave was overflowing, which fact

having not been made known to him, he had to take resort to commuted leave (which otherwise, could have been adjusted against the earned leave, increasing the half pay leave at credit to that extent) and the same resulted, at a later stage, in the commuted leave being totally exhausted, his earned leave was debited for the absence on sickness. This entailed reduction in the balance of earned leave for the purpose of encashment. Thus, his claim is that the authorities should be directed to reschedule his leave by grant of earned leave as per Annexure A-1 and A-4 so that subsequent absence could be adjusted against his commuted leave and his earned leave could be kept in tact for 300 full days, to be encashed.

2. Minimum facts of the case required for adjudication: The applicant was functioning as Post Master, Selection Grade I, Cherthala H.O. He had to take leave on medical grounds at various spells as under:-

<i>Period</i>	<i>Days</i>	<i>Applied for</i>	<i>Granted</i>	<i>Remarks</i>
20-12-04 to 01-01-05	13	Commuted leave	Commuted	Applied later for E.L.(A-1)
19-05-05 to 13-06-05	27	1 day earned leave + 26 days Commuted leave	As applied for vide A-3	Applied for conversion as EL for 14 days from 20-05-05 (A-4)
14-06-05 to 28-06-05	15	Commuted leave	As applied for vide A-3	
29-06-05 to 28-07-05	30	Commuted leave	As Applied for vide A-3	
29-07-05 to 03-08-05	06	Earned Leave on Medical grounds	As applied for	

3. The applicant retired on 30-09-2005 and on his retirement he was sanctioned leave encashment for a total of 275 days, vide Annexure A-9.

4. The applicant renewed his request for such conversion vide his letter dated 21<sup>st</sup> September, 2005 but the authorities have rejected his request stating

that his earlier conversion applications were not received and the latest one on 21<sup>st</sup> September, 2005 being the only application for conversion, the same could not be acted upon as the rules provide for conversion of leave within 30 days of leave. Annexure A-11 refers. Appeal against the above order was rejected by the Postmaster General, vide Annexure A-13. Hence, the above two orders have been under challenge.


5. Respondents have filed their counter and refuted the averment of the applicant having applied for conversion vide Annexure A-1 or A-4. The applicant had filed his rejoinder reiterating his stand as contained in the O.A.

6. For proper adjudication of the case, the service book was also called for. On the day of hearing, while the counsel for the applicant was not present, the case of the respondents was heard and order reserved, with liberty to the applicant to file written arguments within a week. Counsel for the applicant filed the same. The same reiterates the contentions made in the O.A. and the rejoinder in a nutshell.

7. Arguments of the respondents and the written argument of the applicant, as well as the pleadings and the service book have been considered.

8. The leave accounts as per the service book reveal the following :

As on January 2004, Half Pay at the credit of the applicant was 147, to which @ 10 days per six months, half pay leave was credited upto December 2004, which accumulated to 177 days. From this, 24 half a day had been debited against the leave applied for from 20-12-2004 to 31-12-2004, thus reducing the leave at credit on 31.12.2004 as 153. Added to this is 10 days half pay leave as on 01.01.2005, raising the credit balance to 163 days. During this six months the applicant had availed of 43 days leave (i.e. 86 half a day)



**As on 30-06-2004: Credit balance: 297.**

**As on 01-07-2004: Credit balance: 300 +12 days (addition of 15 days) 312**

As on 01-01-2005: Credit balance: 300 + 12 + 15 (12 days overflowing) 315

As on 20-05-2005: Credit balance: 300 + 14 (one day EL on 19-05-2005)

As on 01-07-2005: Credit balance: 300 + 14 + 8 (14 days overflowing) 308

**Less: No. of E.L. Availed of: 29-07 to 03-08 : 6 days**

**22-08 to 07-09 : 17 days**

**08-09 to 14-09 : 7 days**

19-09-2005 1 day

**20-09 to 21-09**    **2 days**

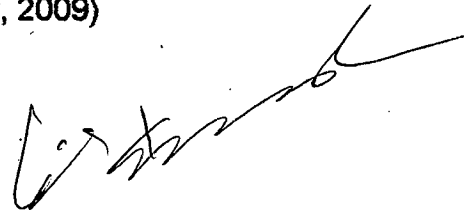
11. The claim of the applicant is that had his request for conversion been allowed, the above 26 days overflow of E.L. would have been avoided and correspondingly credit in his half pay leave account would have been increased, which would have been utilized during the period of August-September 2005. In that event, the earned leave of 300 days would have been in tact, which could have been encashed.

13. It is the contention of the applicant that he had applied in advance as on 03-01-2005 (Annexure A-1) and 11-08-2005 (Annexure A-4) for conversion.

He has also requested for conversion vide Annexure-A-5. His application as on 11-08-2005 was stated to have been despatched under certificate of posting. The applicant has retained a copy of the said letter and the proof of despatch. Curiously, in his application addressed to the very same authority, ie. Superintendent of Post Office, Alappuzha Division, vide Annexure A-5, which was sent on 21<sup>st</sup> September, 2005, i.e. just within six weeks, the applicant had not referred to his earlier representation of 11.08.2005. The omission cannot be inadvertent, but only confirms the contention of the respondents that the applicant had not earlier filed any such representation. Thus, when the leave application for conversion was received beyond 30 days, the same need not be considered as per rules. The authorities have taken correct decision in rejecting the request of the applicant. Higher authorities have fully applied their mind before passing the impugned orders.

14. The application is thus, devoid of merits and hence, is dismissed. No costs.

(Dated, the 27<sup>th</sup> October, 2009)



**(Dr. K B S RAJAN)**  
**JUDICIAL MEMBER**

**cvr.**