

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.104/2002

Tuesday, this the 12th day of March, 2002.

CORAM;

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

K.N.Prabhakaran,
Retired Junior Accounts Officer,
Lakshmi Bhai College of Physical Education,
Trivandrum, residing at:
'Leena Vilas',
Vilailmulla,
Attingal.P.O.
Trivandrum.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Principal,
Lakshmi Bhai National College of
Physical Education,
Karivattom,
Trivandrum.
 2. Director General,
Sports Authority of India,
Jawaharlal Nehru Stadium,
Lodhi Road, New Delhi.
 3. Union of India represented by
Secretary,
Ministry of Youth Affairs & Sports,
New Delhi.
- Respodnents

By Advocate Mr C Rajendran, SCGSC(for R-3)

By Advocate Mr Govindh K Bharathan(for R.1 & 2)

The application having been heard on 12.3.2002 the Tribunal on the same day delivered the following:

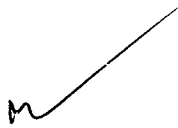
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O R D E R

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

The applicant who commenced service in the General Reserve Engineering Force as Lower Division Clerk, subsequently transferred to the office of Controller of Defence Accounts and promoted as Section Officer Accounts in scale Rs.1640-2900, was appointed under the second respondent on immediate absorption basis as Accountant in the scale of Rs.1640-2900. He retired on superannuation on 31.3.2001. While giving him cash equivalent of Earned Leave, the first respondent gave him only a sum of Rs.22,738.00 stating that the final statement would be made only on settlement of his leave encashment under his previous employer. The applicant, aggrieved by not giving him encashment of the entire leave to his credit, has filed this application to set aside A-3 order to the extent it requires a settlement from Controller of Defence Accounts to grant the cash equivalent of leave salary and for a direction to the respondents to pay the said amount with interest at the rate of 18% per annum.

2. When the application came up for hearing on admission today, learned counsel of the applicant produced for our perusal a letter dated 31.10.2001 issued by the Government of India, Ministry of Youth Affairs & Sports addressed to the Secretary, Sports Authority of India, in which it is stated:

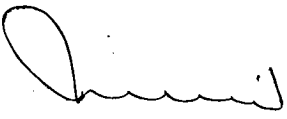


"The rules says that encashment of EL in the Govt. will not be taken into account while allowing encashment of EL in the Autonomous Organisation. If that be so, he is entitled to claim EL to his credit subject to a maximum contained in the rules of SAI."

Learned counsel for the applicant states that the applicant may be permitted to make a representation to the 2nd respondent inviting attention to this letter and the application may be disposed directing the second respondent to consider and dispose of the representation in the light of the letter dated 31.10.2001. The counsel for respondents has no objection in disposing of the application in that manner.

3. In the result, the application is disposed of permitting the applicant to make a representation to the second respondent within a month from today with a direction to the 2nd respondent that if such a representation is received, the same should be considered in the light of the instructions on the subject including the letter dated 31.10.2001 referred in para 2 above and an appropriate reply be given to the applicant within a period of two months from the date of receipt of the representation. No costs.

Dated, the 12th March, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

trs

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the Order No.298 dated 17.9.1990 issued by the Controller of Defence Accounts.
2. A-2 : True copy of the representation submitted by the applicant to the 2nd respondent.
3. A-3 : True copy of the Order No.Admn(10)/2001 dated 18.9.2001.

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2.4.02