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**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.122/03

Tuesday this the 27<sup>th</sup> day of September 2005

**C O R A M :**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN  
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

M.J.Antony,  
Lower Division Clerk,  
Genetics & Tree Breeding Division,  
Institute of Forest Genetics & Tree Breeding,  
Coimbatore - 2.

...Applicant

(By Advocate Mr.E,M,Joseph)

**Versus**

1. Union of India represented by the Secretary,  
Ministry of Environment & Forests,  
New Delhi - 3.
2. Institute of Wood Science & Technology,  
P.O.Malleswaram, Bangalore - 3  
represented by the Director.
3. Institute of Forest Genetics & Tree Breeding,  
R.S.Puram P.O., Coimbatore - 2  
represented by the Director.
4. Indian Council of Forestry Research & Education,  
P.O. New Forest, Dehradun, U.P.  
Represented by the Secretary.

...Respondents

(By Advocate Mr.George Joseph,ACGSC)

**ORDER**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN**

The facts of the case briefly are : the applicant commenced his service as a casual daily labour under the 2<sup>nd</sup> respondent. Earlier he had approached this Tribunal in O.A.556/90 seeking a direction against the respondents for regularisation in the post. While the said O.A was pending consideration the respondents terminated the service of the applicant on

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10.10.1990. By order dated 23.7.1991 this Tribunal directed the respondents to regularise the applicant against suitable Group D post forthwith, if there are vacancies or by creating posts. There was also a direction that till the applicant is so absorbed the applicant should be notionally treated to be holding such posts and given all benefits admissible to regular Group D employees. Accordingly the applicant was appointed on a Group D post on 18.2.1992. He was informed that he is notionally treated as holding the post of Group D from 23.7.1991, the date of judgment of this Tribunal. Since then the applicant has been representing to the respondents for counting his previous service from 1981 onwards for pension. The applicant is also aggrieved by the fact that he has been denied two increments which had been granted to all those who have been appointed after 31.5.1991 since his service has been taken to commence from 23.7.1991 only, the respondents have started recovery of the payments already granted to him from January 2003 onwards. Therefore he has filed this application seeking the following reliefs :-

1. To call for the records leading up to Annexure A-4 order dated 20.2.2002 issued by the 4<sup>th</sup> respondent and quash the same.
2. To direct the respondents to count the past service of the applicant as casual daily labour from 1.11.1981 till 10.10.1990 for the purpose of pensionary benefits, in accordance with law.
3. To direct the respondents to notionally treat the applicant to be holding Group D post with pay and other benefits either from 30.6.1990, the date of original application or 10.10.1990, the date of termination of the applicant's service as casual daily labour, instead of 23.7.1991 the date of the judgment Annexure A-2 in the interest of justice.
4. To direct the respondents not to recover Rs.18,912.00 towards additional increments granted and disbursed to the applicant, as the recovery will be against the direction contained in Annexure A-2 judgment and discriminatory.

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2. The respondents have denied the averments and the allegations in the application and filed a detailed reply statement. The factual situation with regard to his service as casual labour and subsequent regularisation etc. are not being denied. According to the respondents the applicant joined as a regular Group D employee only on 23.7.1991 and as such the service rendered by him as casual daily labour prior to that date is not covered by CCS Temporary Service Rules and Rule 14 of the CCS Pension Rules. With regard to the grant of increments it has been submitted that only those employees who are appointed prior to 1.6.1991 are eligible to two increments and since the applicant is notionally treated as holding the post only from 23.7.1991 the action taken to recover the amount already disbursed to the applicant is not in violation of any orders and not discriminatory.

3. The rejoinder has been filed by the applicant contending that the applicant's contention squarely fit into rule 14 of the CCS Pension Rules and that the judgment of the Tribunal did not direct the respondents to regularise the applicant from 23.7.1991 which date has been arbitrarily fixed by the respondents to deny the legitimate claim of the applicant. The applicant, therefore, submits that the two judgments which gives him a legal right to hold the post of Group D either from 30.6.1990 or from 10.10.1990 the date when his services were terminated may be implemented in its proper spirit.

4. The respondents filed an additional reply statement citing the judgment of the C.A.T. Ernakulam Bench for regularising the service of casual daily labour which was also implemented by regularising the services from the date of the judgment and not from an earlier date.

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There was no specific direction from the Tribunal to regularise the service from back date by giving him the benefit of the past services and, therefore, the O.A is devoid of any merit.

5. We have heard the learned counsel. The argument advanced by the learned counsel for the applicant was that the judgment in O.A.556/90 has not been properly implemented in respect of the applicant and his absorption as on the date of the judgment has now affected the applicant in the matter of consideration of past services for pension and also for the grant of additional increments given at the time of conversion of the Institute into an autonomous body. The respondents contended that the denial of pensionary benefits for past services is due to the fact that there are number of breaks in his casual service as pointed out in the impugned order at Annexure A-4 and that regarding the grant of increments the cut off date has been adopted in respect of all employees and there is nothing discriminatory against the applicant.

6. The first point is regarding the eligibility of the applicant for counting the past casual labour service for pension purposes. Initially the respondents have contended that Rule 14 of the CCS Pension Rules 1972 is not applicable to the applicant, however, in the impugned order they stated that the case has been examined with reference to Rule 14 and particularly in the light of the instructions laid down under the Government of India decision No.2 (d) under the rule and it was found that his case does not fall under these provisions as there are number of breaks in his casual daily labour services. On perusal of the rules and Government of India decisions thereunder it is seen that the case of the applicant falls squarely under the Government of India decision condition 2 (d) which is

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reproduced as under :

Service paid from the contingency should have been continuous and followed by absorption in regular employment without a break.

7. It is evident from the above that the break referred to in the rule is break between the contingency service and regular employment and not the breaks in the contingency service. The employees paid from the contingency generally, though paid on monthly basis are given technical breaks and it was not the intention that such breaks should act as a bar for giving the benefit under Rule 14. In fact the only condition for counting the service rendered in respect of these employees who were paid from contingency is that the service in contingent employment should have been in any job or type of work in which regular posts could normally have been sanctioned and that it should not be for part time work. The examples given are those of Mali, Chowkidar and Khalasis etc. The applicant in this case was working as a Watchman-Sweeper-cum-Khalasis, therefore, there is no doubt that the above posts fall under the Government of India decision No.2 and under Rule 14 of the CCS Pension Rules. The next question is whether the applicant satisfied the condition under Clause (d). From the facts submitted by the applicant it is seen that the applicant's services were terminated with effect from 10.10.1990 when the O.A was filed by the applicant in 556/90 dated 30.6.1990 was pending. Perhaps in view of this the Tribunal had directed in its judgment as follows :-

"We also direct that till such time they are so absorbed against identified or newly created posts, they should be notionally treated to be holding such posts and given all benefits admissible to regular Group D employees including pay, allowances, medical facilities, leave etc."

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8. Earlier in the order the Tribunal had rejected the contention of the respondents that the applicant could not be regularised for lack of vacancies or posts or ban on direct recruitment and therefore come to the conclusion that they are eligible for regularisation forthwith. Anticipating that there could be some gap period between the creation or identification of Group D posts and the absorption of the applicant against such posts, the direction was given to treat that period as notional and the applicant to be given all benefits of regular Group D employees. This would essentially mean that the service of the applicant in that O.A. would be continued without any break from the date as Watchman-Sweeper-cum- Khalasis and for all purposes they would be treated as Group D employees. Therefore there is merit in the contention of the applicant that his service should be notionally considered as having been rendered in a regular Group D posts from the date his services were terminated as a casual labour or from the date on which the O.A. was filed. Since he had been rendering service as a casual labour till 10.10.1990 it would be appropriate to count his regular services from that date only and not the date of filing the O.A. as no specific date has been indicated in the judgment. If the Tribunal had confined its order only to the first part of its direction in Para 8, the interpretation given by the respondents that it would be applicable from the date of judgment could have been acceptable, but since the latter direction that they shall be notionally treated to be holding such posts will an order of absorption is passed, would entitle the applicant to the benefit of an earlier date which can be appropriately taken as a date on which his casual services came to an end. Once the date of notional absorption of the applicant in the post of Group D is deemed to be with effect from 11.10.1990 he would automatically fall within the condition (d) referred to above in that his services paid from contingency is followed by absorption

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in regular employment without break also entitling him to count half the services paid from contingency as qualifying service for pension.

9. The 2<sup>nd</sup> part of the relief asked for by the applicant would also become admissible once he is taken to have been appointed from 11.10.1990 he would fall within the cut off date of 1.6.1991 and be eligible for grant of the two additional increments also.

11. In the result we are of the view that the reliefs asked for by the applicant are to be granted. Annexure A-4 order is quashed. The respondent are directed to count the past services of the applicant from 1.11.1981 to 10.10.1990 for grant of pensionary benefits as applicable under Government of India decision No.2(d) and under Rule 14 of the CCS Pension Rules 1972 and accordingly modify the Annexure A-3 order to the effect that the applicant should be treated as notionally holding the post of Group D from 11.10.1990 onwards. Respondents are also directed not to recover the amount disbursed to the applicant towards additional increments in the light of the above directions treating the applicant as having been appointed prior to 1.6.1991. O.A is allowed. No costs.

(Dated the 27<sup>th</sup> day of September 2005)

  
**GEORGE PARACKEN**  
JUDICIAL MEMBER

  
**SATHI NAIR**  
VICE CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM  
BENCH

R.A. No. 33 of 2016

In

O.A. No.:122 of 2003

M.J. Anthony : Review Applicant  
Vs.  
Union of India & Others : Review Respondents

REPLY FILED ON BEHALF OF THE RESPONDENTS

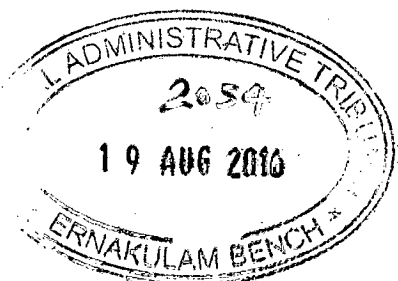
1. The above Review Application has been filed by the Review Applicant praying for the following reliefs:

- (a) Quash the Annexure M.A.III (leave encashment order dated 11-10-2012) which is not in order.
- (b) Direct the respondents to make leave encashment as per pay in force as on date of final decision of the Hon'ble Tribunal, if they desire to make new leave account.
- (c) Direct the respondents to revise the new due drawn statement and payment / recovery may make accordingly.

2. As the Review Respondents have implemented all the orders passed by this Hon'ble Tribunal, Ernakulam Bench and the Hon'ble High Court of Kerala, in letter and spirit, and all the benefits were granted to the Review Applicant Sri M.J. Antony with retrospective effect, it is humbly submitted that there is no scope for further consideration to give benefits as insisted by the Review Applicant.

3. The Review Respondents have implemented all the orders passed by this Hon'ble Tribunal, Ernakulam Bench and the Hon'ble High Court of Kerala, in letter

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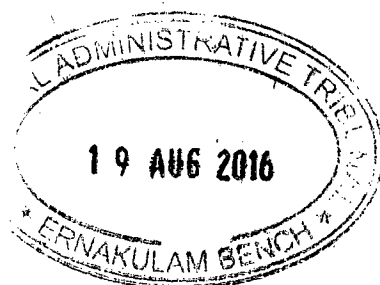




● and spirit, and all the benefits were granted to the Review Applicant Sri M.J. Antony with **retrospective effect** as shown in the following table.

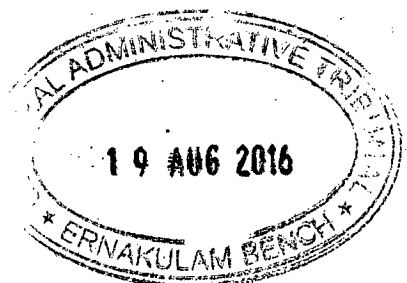
S. No	Office order / Letter No. & Date	Subject	Remarks- I	Remarks - II
(1)	(2)	(3)	(4)	(5)
1	Office Order No.1-4/92/IWST/Estt./4644, dt.6-3-2009 <b>Annexure-R1</b>	i) 50% of the period of CDL (casual daily labour) service i.e. 2 years 4 months 3 days have been counted for grant of pensionary benefits while computing his terminal benefits 4 years 8 months and 6 days w.e.f. 17-11-1986 to 22-07-1991 (upto the date of regularization against Group-D post) rendered by the applicant.  ii) In view of the notional regularization w.e.f.11-10-1990 and permanently absorbed in ICFRE Society, two additional increments have been granted to the applicant w.e.f.1-4-1993	In compliance of the Order dated 31-10-2008 passed by this Hon'ble CAT, Ernakulam Bench and order passed by the Hon'ble High Court, Kerala	--
2	Order No.77, dt.10-6-2011(File No.1-4/92-IWST/Estt./1430) <b>Annexure-R2</b>	As per the order, the applicant has been treated as notionally holding the post of Group-D w.e.f. 11-10-1990.	In compliance of the Order dated 30-3-2011 passed by the Hon'ble CAT, Ernakulam Bench	--
3	Office Order No.158, dt.17-8-2012 (File No.1-4/92-IWST/Estt./1692) <b>Annexure-R3</b>	Sanctioned Earned Leave encashment of 64 days to the applicant for the period from 11-10-1990 to 31-3-1993 on permanent absorption into ICFRE services w.e.f. 1-4-1993.	i) Copy of the order has been sent to the applicant through Director, IFGTB, Coimbatore and to the Director, IFGTB, Coimbatore for information and necessary action  ii) Half Pay Leave at his credit as on 31-3-1993 had been forfeited.	E.L. encashment has been made as per the Secretary, ICFRE Notification No.16-28/93-ICFRE, dt.28-10-1993  <b>(Annexure - R4)</b>

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4	Order No.122, dt.11-7-2012 (File No.2-1/IWST/2012/207) <b>Annexure-R5</b>	Released the arrears of pay of Rs.12,351/- to the applicant as he was notionally holding the post of Group-D from 11-10-1990 to 27-02-1992 ( <b>Annexure-R6</b> )	Copy of the order has been sent to the applicant through Director, IFGTB, Coimbatore and to the Director, IFGTB, Coimbatore.	--
5	Office Order No.207, dt.11-10-2012 (File No.2-1/IWST/2012/M.J. Anthony/ 2214) – <b>Annexure-R7</b>	Amount of Rs.3,170/- has been paid to the applicant towards E.L. Encashment vide D.D. No.103434, dt.11-10-2012	Copy of the order has been sent to the applicant through Director, IFGTB, Coimbatore and to the Director, IFGTB, Coimbatore	The applicant has returned the money directly to IWST Bank account through on-line (1 <sup>st</sup> Respondent's Office Bank account) – <b>Annexure-R12.</b>
6	Office Order No.163, dt.23-8-2012 (File No.1-4/92-IWST/Estt. /1750) <b>Annexure-R8</b>	(i). After absorption into ICFRE, the leave period of the applicant w.e.f. 1-4-1993 to 30-5-1998 (i.e. till his transfer to IFGTB, Coimbatore from IWST, Bangalore) has been regularized, and E.L. encashment for 64 days has been sanctioned for the period from 11-10-1990 to 31-3-1993 on his absorption into ICFRE. Hence the leave spells at S.No.3 to 5 and 8 have been treated as EOL as there was no credit in his EL account as on the dates.  (ii) HPL at his credit as on 31-03-1993 had been forfeited. Hence, the HPL at S.No.6,7, and 9 to 11 was sanctioned as Leave Not due as there was no HPL credit in his account as on the dates.  ii) The E.L. which he had availed during the period from 1-4-1993 to 28-10-1993 had been CONDONED as per the Secretary, ICFRE Notification No.16-28/93-ICFRE, dt.28-10-1993. ( <b>Annexure-R4</b> ).	--	The benefits have been given to the applicant on par with other absorbed employees of ICFRE and its Institutes. Since he had absorbed into ICFRE services w.e.f. 1-4-1993 and he got the benefits of 2 additional increments, he has to accept the terminal benefits both positive and negative on par with all other absorbed ICFRE employees including forfeit of Half Pay Leave.

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7	Since his increments have been pre-poned, his pay and allowances have been revised w.e.f. 11-10-1990. Accordingly, due drawn statements have been prepared and put up in <b>Annexure - R9</b>	From the Due Drawn statement (Annexure-R9) it has been observed that the applicant has to refund the amount of Rs.7,026/-, after adjusting the E.L. encashment which is due to him i.e. Rs.3,170/- he has to refund the amount of Rs. 3,856/-, due to change of increment, regularization of his leave such as E.L., E.O.L. and Leave Not Due w.e.f. 11-10-1990 to 30-5-1998.	The due drawn statement on the above arrears is enclosed	--
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4. After careful consideration of all the documents; Reply and Additional reply Statements submitted by the Review Respondents to the M.A.447/2014 in O.A.122/2003 filed by the Review Applicant, this Hon'ble Tribunal, Ernakulam Bench has stated in the Order (Judgement) dt.24-02-2016 that "*we find that there is **substantial compliance of the orders passed by this Tribunal***". Since the Review Respondents have implemented the orders passed by this Hon'ble Tribunal and all the benefits have already been given to him, **it is humbly submitted that there is no scope for any further reliefs.**

5. Further, the Review Applicant on his own volition exercised his option to the ICFRE Society and tendered technical resignation to the Central Govt. Service vide his letter dated 10-04-1992, vide Annexure-R10. As a result of the decision taken by the Central Government, the Indian Council of Forestry Research & Education and its research institutes were converted from a Central Govt. Department into an autonomous organization w.e.f. 1<sup>st</sup> June, 1991 vide Ministry of Environment and Forests order No.1/8/89-RT, dt.30-5-1991. The services of all the Central Govt.

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● employees working in ICFRE at that time (i.e. 01-06-1991) were placed on compulsory deputation with the ICFRE Society on their existing terms and conditions of service. This arrangement was to continue till such time as the Central Govt. employees on compulsory deputation were absorbed permanently in the service of ICFRE Society on the basis of the options exercised by them. The ICFRE employees on compulsory deputation were asked to give their options in writing latest by 31-3-1993 either for permanent absorption in the service of the Society or for reversion to Central Govt. Service. The date fixed by the Central Government for permanent absorption of ICFRE employees in the service of the Society was 01-04-1993. True copy of the letter No.16-28/93-ICFRE, dated 20.08.1993 of the Officer on Special Duty, Indian Council of Forestry Research & Education, Dehradun was produced and marked as Annexure – R11 in the reply to M.A No. 447 of 2014.

6. Accordingly all the existing Group 'C' & 'D' employees **on their absorption in the service of the Society as on 01-06-1991** were entitled to encashment of earned leave to his/her credit at the time of permanent absorption subject to a maximum of 240 days. In terms of Para 1 (ii) of the Department of Pension and Pensioner's Welfare O.M.No.4/8/85-P&PW dated the 30-10-1986, Half Pay Leave stand forfeited at the time of transfer to ICFRE Society.

7. So far as the contention of the applicant that "*decision has not been taken to make leave encashment on par with other employee whereas all other employees*

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● were paid immediate leave encashment as per their last pay in force. I was working far away at Goa Centre alone and if the respondents wished to renew new leave account, they bound to do the same to me also in 1994 but deliberately denied me", is concerned, it is stated that initially, the Review Applicant was notionally treated as holding the post of Group-D w.e.f. 23-07-1991. Hence, was not been absorbed in the service of the ICFRE Society as on 01-06-1991. Therefore, as per the terms and conditions laid down as per the above letter dated 20.08.1993 (Annexure-R11), the benefits were not admissible to him at that time on par with other existing Group-C & D employees who were absorbed into the service of ICFRE society as on 01-06-1991. Later on he approached this Hon'ble Tribunal, from time to time and as per the directions of this Hon'ble Tribunal all the benefits have been given to the Review Applicant as mentioned in the first Reply Statement (Annexure-R13) and the Additional Reply statement (Annexure-R14) submitted by the Review Respondents to the M.A.No.447 of 2014 in O.A.122 of 2003.

8. It is humbly submitted that the Respondents have implemented the Orders passed by this Hon'ble Tribunal. As per the Orders of the Tribunal, the respondents have paid the benefits of pay, allowances, medical facilities, leave etc. as he had been treated as notionally holding the post of Group-D w.e.f. 11-10-1990. In view of the notional regularization granted by this Hon'ble Tribunal, Ernakulam Bench and the Hon'ble High Court of Kerala, the Review Applicant was granted two additional

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- increments retrospectively w.e.f. 01-04-1993 on absorption in ICFRE w.e.f. 01.04.1993.

9. The Review Applicant has given his option for regular absorption to the ICFRE and stated in his letter dated 10-04-1992 that *"with reference to the ICFRE Memorandum No.16-28/91-ICFRE, dt.13-03-1992, I have carefully gone through and understood the terms of absorption in the regular service of the ICFRE and hereby opt for absorption on the regular post held by me. As my absorption will be subject to my resigning from Government service, accordingly, this letter may please be treated as my technical resignation from the service of the Central Government with effect from 01-6-1992 with the terminal benefits and conditions laid down by Government under relevant rules"*. Once, he had exercised his option for regular absorption in the ICFRE Society and got all the benefits including 2 additional increments, the Review Applicant cannot now compare himself with other employees who have not exercised their options earlier and exercised their options in later stage (after many years) i.e. as and when the chances have been given to them by the Ministry / ICFRE and got benefits **PROSPECTIVELY**.

10. The benefits granted to the Review Applicant are on the facts as applicable to him only as adjudicated by the Hon'ble High Court of Kerala and this Hon'ble Tribunal, Ernakulam. Accordingly, these orders with regard to all the benefits have been passed in the peculiar facts of the case and it will not be a precedent and future cases, if any, will be viewed, dealt with and

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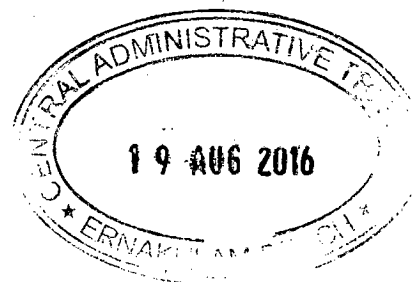


● disposed of depending upon the individual factual scenario and the merits of the case.

11. The Review Applicant had been treated as notionally holding the post of Group-D w.e.f. 11-10-1990 and on absorption into ICFRE services w.e.f. 01-04-1993, encashment of Earned Leave had been paid to him along with other benefits on par with other absorbed employees of ICFRE. Since he had been absorbed into ICFRE services w.e.f. 1-4-1993 and was drawing the benefits of 2 additional increments, he has to accept the terminal benefits (either positive or negative) at par with all other absorbed ICFRE employees including forfeit of Half Pay Leave. As per the Secretary, ICFRE Notification No.16-28/93-ICFRE, dt.28-10-1993, the balance of HPL available at his credit as on 31-03-1993 had been forfeited and due to encashment of E.L. at his credit as on 31-03-1993, there was no balance of E.L. and HPL at his credit as on 01-04-1993. However, as per the Secretary, ICFRE Notification No.16-28/93-ICFRE, dt.28-10-1993, the Earned Leave which he had availed during the period from 01-04-1993 to 28-10-1993 had been condoned on par with other absorbed ICFRE employees.

12. Since there was no credit of E.L. and HPL as on 01-04-1993 and he had availed leave both E.L. & H.P.L., in so many spells w.e.f. 29-10-1993 (i.e. after condonation), the leave availed by him had been regularized as per the Order No.163, dt.23-8-2012 (File No.1-4/92-IWST/Estt./1750).

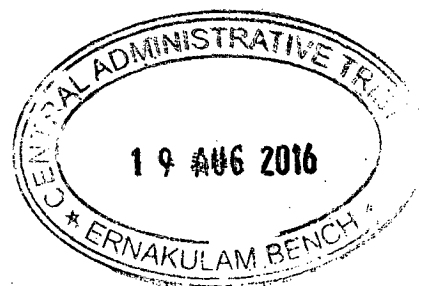
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13. The 1<sup>st</sup> Respondent has paid an amount of Rs.3,170/- to the applicant towards E.L. Encashment vide Demand Draft No.103434, dt.11-10-2012. After following the due procedures, the 1<sup>st</sup> Respondent had paid the amount. In turn, the applicant had directly returned the money to this Institute's bank (i.e. Union Bank of India, Malleswaram Branch, Bangalore) through on line. After transferring the money he had sent a receipt obtained from the Union Bank of India, R.S. Puram, Coimbatore. **Though he had returned the amount, the same had been adjusted by the Review Respondents as shown in the Annexure-R9. Hence, it is humbly requested this Hon'ble Tribunal may not quash the order dated 11.10.2012 as prayed for by the Review Applicant.** In compliance of the orders passed by this Hon'ble Tribunal and Hon'ble High Court, all the benefits have been given **retrospectively** to the Review Applicant as well as regularized the leave account(s) as a part of the implementation of the orders. Hence, the question doesn't arise that as to whether the applicant has accepted the regularized leave account or not doesn't arise.

14. Though this Hon'ble Tribunal had passed the order dated 08-07-2011, all the benefits have been granted to the Review Applicant on par with other absorbed employees with **retrospective effect** w.e.f. 01-04-1993 i.e. his services have been notionally regularized w.e.f. 11-10-1990; two (02) additional increments have been granted to him w.e.f. 1-4-1993; granted E.L. encashment of 64 days for the period from 11-10-1990 to 31-03-1993 on absorption into ICFRE society and; the leave

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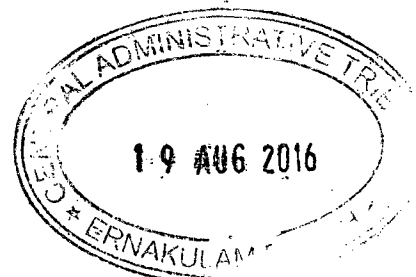


● which had been availed by him from 16-10-1993 to 22-10-1993 had been **condoned** and Half Pay Leave at his credit as on 31-03-1993 had been forfeited as per the Notification No.16-28/93-ICFRE, dt.28-08-1993. In view of the above, the balance of E.L. & HPL was NIL as on 01-04-1993 at the credit of the Review Applicant, on par with other employees who had exercised their options as on 01.04.1993. The Earned Leave and Half Pay Leave which he had already availed had been regularized, as mentioned in Annexure R8. Most of his Earned Leave had been treated as Extraordinary Leave on domestic grounds.

15. After sympathetic consideration, his Half Pay Leave which he had availed had been converted as Leave Not Due by the Review Respondents as there was no Half Pay Leave balance at his credit as on 01-04-1993, so that there will not be huge financial loss to the Review Applicant. Details have already been mentioned in the Annexure-R8.

16. Since his case has been dealt with and disposed of depending upon the individual factual scenario and the merits of the case, leave rules cannot be applicable for regularization of his leave. Since all the benefits have been given to him including LEAVE with retrospective effect i.e. 11-10-1990, as per the orders passed by this Hon'ble Tribunal and Hon'ble High Court of Kerala and the Orders/Notifications issued by the ICFRE, the Earned leave and Half Pay Leave also had been regularized with retrospective effect, after consideration of his case so sympathetically by the Review Respondents.

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17. It is further submitted that, as per rules and procedures and as per the orders received from the Headquarters, the cases filed by the review applicant were processed by the office of the Respondents. Being Under Secretary and Drawing & Disbursing Officer (D.D.O.), Sri B. Jagadeeswara Rao had signed the service books of all the staff members including the Review Applicant. All the benefits have been granted to him with retrospective effect as stated above, and almost all his leave spells which he had availed as mentioned in the Annexure-R8, the Half Pay Leave has been converted into Leave Not Due.

In view of the above factual information, the present R.A. filed by the applicant is liable to be dismissed.

**VERIFICATION**

I, Surendra Kumar, IFS, Director, Institute of Wood Science & Technology, Bangalore do hereby verify on my behalf and on behalf of all the Respondents who have authorized me, that the facts stated in the above paras 1 to 17 are true and correct to the best of my knowledge, information and belief. Same are based on records and nothing concealed there from.

Dated this the 09<sup>th</sup> day of August, 2016.

Deponent: SURENDRA KUMAR, IFS  
DIRECTOR

निदेशक / Director

काष्ठ विज्ञान एवं प्रौद्योगिकी संस्थान

Institute of Wood Science & Technology

बेंगलूर / Bangalore - 560 003

