

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, BANGALORE

ORDER SHEET

Application No. 1538 of 1986 (T)

(S.C. no. 227184 in C. of C. J. Bellary). Respondent

The Secretary, M/o. Communication
& 3 other

Advocate for Respondent

P. V. Nagarkar.

Applicant

Jayangouda

Advocate for Applicant

A.S. Malebennur & Mr. Aggappa

Date	Office Notes	Orders of Tribunal
22.7.86.	<p>The above Small Cause Suit is obtained from the Court of Civil Judge Bellary. u/s 29 of the Administered Tribunals Act 1985.</p> <p>The above Suit is filed u/s 26 R/w 0-7 R-1 C.P.E. for recovery of Rs 2000/- with interest from the defendant.</p> <p>Amount of Court fee paid on Suit is Rs 200/- which is checked by Court fee Examination as correct and sufficient.</p> <p>There are four respondents. all of them have been served. Written Statement of R-3 has been filed.</p>	
		<p>Carver</p>

Evidence of D60-1 Aranatha
is partly over

Exhibits P-1 to P14 and
D-1 have been marked.

On 3.9.85 it was posted
for further evidence.
On 28.10.85 the above file
is transferred to above
tribunal.

Notice may be
issued to both plaintiff
and defendant intimating
further date also.
Notice may be issued
to Counsel for both
the parties.

A date may be fixed
for intimation to parties.

Register

2217

Notice to represented
parties through their
respective advocates and
to non-represented parties
personally

post - office hand
on 26.8.1986 for
further proceedings.

Done
22/11

3

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

ORDER SHEET
Application No 1538 of 1986

Applicant

Respondent

Advocate for Applicant

Advocate for Respondent

Date	Office Notes	Orders of Tribunal
26-8-86	<p>Notice issued to the parties through their respective advocates on 1/8/86.</p> <p style="text-align: right;">R 7/8.</p> <p>Both Side Counsel absent. Date of hearing fixed on 8/12/86.</p> <p style="text-align: right;">R.O. 3 Court. 2.</p> <p>Notice issued to the Counsel on both sides in making the date of hearing on 1/8/86.</p> <p style="text-align: right;">4 11/9</p>	<p>KSP(VC)/LHAR(M) 8.12.1986.</p> <p>Shri Amaresh A. Angadi files vakalatnama for the applicant.</p> <p>Respondents by Shri M. Vasudeva Rao, Addl. C.G.S.C.</p> <p>Shri Rao prays for time to produce the records and argue the matter.</p> <p>Post this case for hearing on 3.2.1987.</p> <p style="text-align: right;">VICE CHAIRMAN dms.</p> <p style="text-align: right;">MEMBER (d)</p>
26-9-86	<p>Notice dt 10.9.86 issued to the applicant & Respondent thru their respective advocates.</p> <p>Notice served to Advocate Respondents.</p> <p style="text-align: right;">R.O.</p>	

ANNO 1538/86 (T)

Date

Office Notes

Orders of Tribunal

3/2/87

The Hon'ble Shri. Ch.
Ramakrishna Rao, M(J)
The Hon'ble Shri. D.L.A.
Rego, M(A).

Sri. Amresh Angadi
Advocate for Applicant
present.
Sri. M.S. Padmanabhan,
Counsel for Respondent
present.

Arguments Concluded.
Application Disposed.

BD

BB

CO

CH₂

24-4-87 Order dt. 3-2-87 issued
to all the Parties
Concerned & o/c added
to the file.

TRB

22-5-87 Leave of application
filed by respondent on
6-5-87 returned.

22/5/87

94

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 3rd DAY OF FEBRUARY 1987

Present : Hon'ble Sri Ch. Ramakrishna Rao - Member (J)

Hon'ble Sri L.H.A. Rego - Member (A)

APPLICATION No. 1538/86

Jayanagouda
Kappagal Road,
Gandhinagar
Bellary - Applicant

(Sri Amresh Angadi, Advocate)

1. Government of India
by the Union Secretary
Ministry of Communication,
New Delhi ~~and~~ - Respondents

2. Post Master General
Karnataka Circle, Bangalore 560001

3. The Superintendent of Post Offices,
Raichur

4. Director of Postal Services,
North Karnataka Region, Dharwad 580001

Respondents

(Sri M.S. Padmarajaiah, Senior C.G.S.C.)

This application came up for hearing before
this Tribunal and Hon'ble Sri Ch. Ramakrishna Rao,
Member (J) to-day made the following

O R D E R

This application was initially filed as
S.C. in the court of Civil Judge, Bellary and subsequently
transferred to this Tribunal.

2. Shri Amresh Angadi, learned counsel for the
applicant, submits that his client ~~who~~ retired as a

✓

Sub Post Master at Munirabad on 28.2.1982; that before retirement he sought to avail of Leave Travel Concession ('LTC') facility and for that purpose applied for leave from 15.2.82 to 25.2.82 but the same was denied on the ground that he was not entitled to avail of LTC since he was due to retire on 28.2.82 as a result thereof his client is entitled to be reimbursed to the tune of Rs.1230/- being the 1st class train fare due to him and members of his family.

3. Sri M.S. Padmarajaiah, learned counsel for the respondents, invites our attention to para 4 of the written statement of objections filed on behalf of the respondents in which it is stated that 'the official had applied for grant of casual leave from 15.2.1982 for a period of 9 days vide his application dated 2.2.1982 and the applicant had casual leave of three days as on the date of his application at his credit. Hence three days casual leave was granted by the competent authority. The applicant subsequently extended his leave on medical certificate upto 25.2.1982. Hence the period of casual leave was credited as Earned leave and it was granted by the competent authority granted earned leave from 15.2.1982 to 25.2.1982'. According to Sri Padmarajaiah, the applicant could not have availed of LTC facility since leave was taken ^{on} ~~the~~ ^{on} strength of a medical certificate and unless the journey was ~~not~~ ^{on} actually performed the question of reimbursement would not arise.

-3-

4. We have considered the rival contentions carefully. In our view, LTC facility which government employees are entitled to is such that unless the journey is performed it would not be ^{possible} ~~possible~~ to claim re-imbursement of the expenses. In other words, the nature of this facility does not admit of any payment by way of compensation for not availing of the same whatever the reason be. We, therefore, reject this plea.

5. The next plea urged by Sri Angadi is that his client was not granted encashment of 20 days earned leave to his credit. In Para 7 of the written statement of objections, ^{W.M.} of the respondents has denied the claim of the applicant for earned leave.

6. The balance of leave to the credit of the applicant is a matter to be evaluated from the service records of the applicant. We, therefore, direct the respondents to undertake such verification within one month from the date of receipt of this order and pay the applicant whatever amount is due. The applicant is at liberty to substantiate his claim for the balance of earned leave to his credit by producing documents, if any, before the respondents within 15 days from the date of receipt of this order and irrespective of production of any documents by the applicant, the respondents shall settle the claim within the period set above.

7. The claim of the applicant for re-imbursement of Rs.55/- Being the charges for issuing legal notice to the respondents is disallowed.

8. In the result the application is disposed of as directed above. No order as to costs.

Chandramouli

Member (J)

AK *AP*
Member (A) 3-2-87