

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

Dated:- 22 AUG 1994

APPLICATION NUMBER: 15 of 1994.

APPLICANTS:

**Lt.Col.Venkatesh Sadashiv Dixit v/s. Secretary, Ministry of Defence,  
To. New Delhi and Others.**

RESPONDENTS:

1. **Sri.M.Narayanaswamy, Advocate, No.844,  
Upstairs, 17-G-Main, Fifth Block,  
Rajajinagar, Bangalore-560010.**
2. **Sri.G.Shanthappa, Addl. Central Govt.  
Stng. Counsel, High Court Bldg, Bangalore-1.**

Subject:- Forwarding of copies of the Orders passed by the  
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above  
mentioned application(s) on 04-08-94.

Issued on

22/08/94

R.

of

for *S. Brahma*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

APPLICATION NUMBER 15 OF 1994

THURSDAY, THIS THE 4TH DAY OF AUGUST, 1994.

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

Mr. T.V. Ramanan, ... Member(A)

Lt. Col. Venkatesh Sadashiv Dixit,  
NCC/PC-11903 (Ex-EL 54061),  
Aged 56 years, 72 Arun Colony,  
Manjunatha-Nagar, Hubli-580 030.

.. Applicant.

(By Advocate Shri M. Narayanaswamy)

v.

1. The Government of India  
represented by its Secretary to Government  
Ministry of Defence,  
South Block, New Delhi-110 011.
2. Director General,  
National Cadet Corps,  
West Block-IV, R.K. Puram,  
New Delhi-110 066.
3. The Controller of Defence  
Accounts (Officers), Golibar  
Maidan, Pune-1.

.. Respondents.

(By Standing Counsel Shri G. Shanthappa)

O R D E R

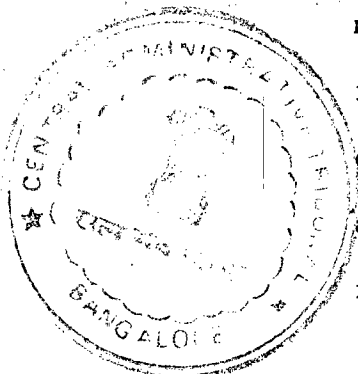
Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

We have heard Mr. M. Narayanaswamy, learned counsel for the applicant and Sri G. Shanthappa, learned Standing Counsel who appears for the respondents/administration. The controversy is all about the retired NCC Officer being denied the eligibility of encashing leave accumulated to an extent of 240 days during his tenure as Commissioned Officer which benefit is under the extant Rules restricted to 180 days only. It is somewhat surprising that a whole time officer borne on the NCC wing is denied the encashment of leave salary benefit of 240 days whereas simi-



lar benefit is extended to regular army officers and others such as civilians in the defence establishment. Probably upon noticing this discrepancy or disparity, the Government, it appears, is now actually considering a revision of the Rules pertaining to leave encashment apropos permanently commissioned NCC officers. So much is stated in the objection statement filed on behalf of the NCC administration and at the hearing to-day the learned Standing Counsel also reiterated the same at the Bar. If that be the situation i.e., the Government itself is considering to re<sup>tracing</sup> its steps in the matter of bringing the leave encashment benefit available to the NCC Officers on par with the other officers serving in the Army, it is desirable that every one should await the decision of the Government in that behalf which we hope will be taken soon. We need hardly point out that an officer whether in the regular army or a civil defence establishment or a whole time officer serving in the NCC wing which is the second line of defence in the army, they should all be treated alike forming as they do one class or one group, out of which no splint<sup>ing</sup>ing can be done. They all form one group belonging to the same cadre and therefore should be treated alike, otherwise discrimination will be writ large. We do hope that Government will consider re-writing the Rules making it possible for the NCC officers also to accumulate leave for the purpose of encashment upto a limit of 240 days and in case they do so they should immediately make available such a benefit to persons like the applicant who it appears very recently retired after serving the NCC with all zeal.

With the above observations, the application stands disposed off. No costs.



TRUE COPY

*G. S. Manohar*  
SECTION OFFICER 27/8  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL DEPUTY  
BANGALORE

*Sd-*  
MEMBER(A)

*Sd-*  
VICE-CHAIRMAN.