

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

O.P. No.

266/91

Date of Decision:

28/8/92

T.A. No.

Syed Ibrahim

Petitioner.

(Party-in-Person)

Advocate for
the Petitioner(s)

REVSUS

Chief Post Master General, Hyderabad Respondent.

Sri V Rajeswara Rao, for Sri NV Ramana CGSC Advocate for
the Respondent
(s)

CCP, M3

THE HON'BLE MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

THE HON'BLE MR. --

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporters or not ?
3. whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on Columns 1, 2, 4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

No

T. S. [Signature]

(HTCR)
M(J)

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 266/91

DATE OF JUDGEMENT: 28/8 AUGUST, 1992

BETWEEN

Syed Ibrahim

.. Applicant

A N D

1. Chief Post Master General
Andhra Circle
Hyderabad
2. Sr. Superintendent of Post Offices
Hyderabad South East Dvn, Hyderabad

.. Respondents

Counsel for the applicant : Party - in - person

Counsel for the Respondents: Sri V.Rajeswar Rao for
Sir NV Ramana, CGSC

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

T. S. n/p .. 2.

JUDGEMENT OF THE SINGLE MEMBER BENCH DELIVERED BY
HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to issue necessary orders for encashment of leave for 29 days due to the applicant.

The facts giving rise to this OA in brief, may be stated as follows:

2. The applicant, while in service, availed EL on MC for 29 days from 17.6.86 to 15.7.86. According to the applicant he had 240 days EL to his credit at the time of retirement. The 29 days of EL which the applicant availed, was erroneously debited ~~in~~ his leave account as commuted leave. The mistake was detected ~~and~~ rectified and the applicant was allowed only 211 days encashment. It is the case of the applicant that he is entitled for encashment of leave for those 29 days also. Hence, the present OA is filed for the relief as indicated above.

3. Counter is filed by the respondents opposing this OA.

4. We have heard Party-in-person and Shri V.Rajeswara Rao for Sri NV Ramana, SC for respondents.

5. The applicant retired on superannuation on 30.6.89. The respondents have produced the EL account of the applicant. From the EL A/c of the applicant, it is quite evident by 30.6.89 that the applicant had only 211 days of EL to his credit. So, the respondents had rightly paid cash for the said credit of 211 days EL. ~~.....~~ the grievance of the applicant is that he had 29 days more EL to his credit.

As already pointed out, the applicant had applied for 30 days EL on MC from 16.6.86 to 15.7.86. But the applicant was granted leave on MC for 29 days from 17.6.86 to 15.7.86. But the Hyderabad Jubilee HO had erroneously debited this EL of 29 days as commuted leave instead of EL on MC. Before retirement of the applicant, the mistake had been rectified and the account with regard to EL was set right, and the applicant had been permitted to encash 211 days EL after his retirement. As there was a mistake committed by the Department that had been set right so and it is not open for the applicant to take advantage of the same.

6. The fact that the applicant had applied for EL for 30 days from 16.6.86 to 15.7.86 on MC is not in dispute. Anyhow, it was open for the applicant to get converted the said EL from 16.6.86 to 15.7.86 as commuted leave, as the applicant had to his credit required medical leave for the said commutation. But prior to his retirement, the applicant had never made any attempt to ~~get~~ convert the EL period 16.6.86 to 15.7.86 as period on commuted medical leave. So as the applicant himself is responsible for applying for EL from 16.6.86 to 15.7.86, which was granted to the applicant, it is not open for the applicant to find fault with the Department that the Department did not keep informed of his leave account and if the applicant had been kept informed of his leave account that he would have taken steps to get converted, the said EL period of 29 days from 17.6.86 to 15.7.86 as commuted medical leave. If the said 29 days of EL which the applicant

Copy to:-

1. Chief Post Master General, Andhra Circle, Hyderabad.
2. Sr. Superintendent of Post Offices, Hyderabad South East Division, Hyderabad.
3. One copy to Sri. Syed Ibrahim (Party-in-person), 17-8-419/2E, Bagh Jahanara, Yakutpura, P.O. Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, ~~CAT~~, Hyd.
5. One spare copy.

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Rsm/-

had availed, if treated as not availed, then naturally, the applicant would be having 240 days of EL to his credit. But that is not the case here. As seen, the applicant, on the date of his retirement had actually 211 days of EL to his credit, which leave the applicant had already encashed. Absolutely, the applicant has no grievance to complain. Hence, this OA is liable to be dismissed.

7. The applicant has filed MA 894/92 to give a direction to the respondents to permit the applicant to convert his previous EL on MC from 14.3.60 to 24 12.4.60 into Extra-ordinary leave.

8. Counter is filed by the respondents opposing the MA 894/92.

9. Absolutely, we see no merits in the said MA for the reasons narrated already in the OA. Hence, this MA is liable to be dismissed. In the result, the OA is dismissed and the MA 894/92 that is filed to give direction to the respondents is dismissed. Parties shall bear their own costs.

T. C. —
(T. CHANDRASEKHARA REDDY)
Member(Judl.)

Date: 28th August 1992

Deputy Registrar(Judl.)