

(B.L.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A. No. 794/94.

Dt. of Decision : 21.7.94.

1. D.V.S. Murty
2. S. Rama Rao
3. K. Nageswara Rao
4. S. Appa Rao
5. A. Narayana Rao
6. Smt. B. Subadramma
7. C.S. Rao
8. K. Venkateswarayana
9. Syed Subhan
10. Y. Subrahmanyam
11. V. Ramachandran
12. A.S.N. Murty
13. Dr. Kum. D.M.C. Sarojini Bai .. Applicants.
14. Dr. Kum. D.M.C. Sarojini Bai .. Applicants.

1. Union of India rep. by  
Deputy Director-Finance  
(Establishment) III  
Ministry of Railways,  
Rail Bhawan, New Delhi.

S.E.Rly, Moaroen.....  
Calcutta - 43.

S.E. Rly - Legal Officer.

4. FA & CAO, (Co-ordination)  
S.E. Rly, Calcutta - 43. .. Respondents.

Counsel for the Applicants : Mr. Y. Subrahmanyam  
Counsel for the Respondents : Addl. M.G.L. Reddy.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN  
THE HON'BLE SHRI R. ....

*BS*

O.A.NO.794/94

JUDGMENT

Dt: 21.7.94

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri Y.Subrahmanyam, learned counsel for the applicants and Shri C.V.Malla Reddy, learned standing counsel for the respondents.

2. This OA was filed praying for quashing the and other retirement benefits indicated in Railway Board's letter No.F(E)III/90/LE/-1/1, dated 20.5.1993 and to direct the respondents to pay the cash equivalent of LHAP on the same condition as allowed for encashed LHAP while in service and for further quashing the orders restricting admissibility letter No.F(E)III/90-LE-1/1, dated 12.10.1993 and to direct the respondents to arrange the payment of pro-admissible to employees availing LHAP while in service.

5. No employee is entitled to either Earned Leave on full pay or Half Pay Leave. It is one of policy. When the conditions are imposed in regard to the encashment of HPL at their credit at the time of retirement by the retired employees, the same is not subjected to the judicial review, for it is a policy matter.

*X*

contd....

*p/jr*

Copy to:-

1. ~~Minister of~~ Deputy Director, Finance (Establishment) III  
Ministry of Railways, Rail Bhavan, Union of India, New Delhi.
2. General Manager, S.E.Rlys, Garden Reach, Calcutta-43.
3. Chief Personnel Officer, S.E.Rlys-Calcutta-43.
4. F.A. & C.A.O. (Coordination) S.E.Rlys, Calcutta- 43.
5. One copy to Mr. Y. Subrahmanyam, Advocate, D. No. 45-58-9,
6. One copy to Mr. C. V. Malla Reddy, Addl. CGSC, C. A. T. Hyderabad.
7. One spare.

kku.

D. J. Fern  
Govt. of India

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4. Ofcourse, if the challenge is on the ground that it is violative of any of the provisions of the Constitution, it is a matter for consideration. In this case, it is submitted for the applicants that while such a condition was not imposed for a Government employee who is given HPL, when such Government employee takes such a leave while in service, it is discriminatory when a condition is imposed by retired time of retirement by a retired employee. Reasonable classification is not prohibited. But what is stated is that there should be an access between classification and the object in having such a classification in regard to the measure for which the classification is made. It is not a case of encashment of HPL when the Government ~~is~~ while ~~while~~ in service applying for leave. He would be given only the leave salary as per the rules for the period of HPL. There will not be any question of retired employee going on HPL after retirement. Encashment of HPL subject to the conditions referred to is allowed only to the retired Government employee. In fact, there is no question of encashment of HPL by an employee who avails HPL while in service. Hence, the question of discrimination does not arise. Thus, this OA does not merit consideration. Accordingly, it is dismissed. No costs.

*R* \_\_\_\_\_ *S*  
(R. RANGARAJAN)  
MEMBER (ADMN.)

*V. Neeladri Rao*  
(V. NEELADRI RAO)  
VICE CHAIRMAN

Dated: 21st July, 1994.  
Open court dictation.

vsn

*25-7-94*  
Dy. Registrar (Jud1)  
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C-TTT/TY  
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD REVENUE

THE HON'BLE MR.JUSTICE V.NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.G RTHI : MEMBER(A)

AND

THE HON'BLE MR.K R REDDY  
MEMBER(C UDL)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

2/7  
Dated: - 1994.

ORDER/JUDGEMENT

M.A./R.A/C.A. NO. \_\_\_\_\_

in

O.A.NO. 794/94

T.C. NO. \_\_\_\_\_

(W.P. \_\_\_\_\_)

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions

Dismissed ~~at administrative stage~~

Dismissed as withdrawn

Rejected/Ordered.

No order as to costs.

pvm

