

26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.675 of 1997

DATE OF ORDER: 29th October, 1997

BETWEEN:

S.B.NIYOGI

.. APPLICANT

AND

1. Union of India, represented by
its Secretary, Ministry of Defence,
(Production & Supplies),
South Block, DHQ PO,
New Delhi 110011,
2. The Director General,
Aeronautical Quality Assurance,
Ministry of Defence, 'H' Block, DHQ PO,
New Delhi 110011,
3. The Chief Resident Inspector,
OCRI, DGAQA, Ministry of Defence,
Govt. of India, HAL PO,
Hyderabad 500 042.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.L.NANDA KISHORE

COUNSEL FOR THE RESPONDENTS: Mr.V.RAJESWARA RAO, Addl.CGSC

CORAM:

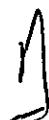
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER(ADMN.))

None for the applicant. Heard Mr.V.Rajeswara Rao,
learned standing counsel for the respondents.

2. The applicant in this OA while working as Deputy
Chief Scientific Officer in the office of R-3 applied for



sanction of 32 days' earned leave with effect from 8.5.97 to 8.6.97 and he was eligible for the same. That leave was sanctioned by the competent authority. On 7.5.97, a day prior to the date of availing of the leave, the applicant had sent a communication to R-3 requesting R-3 to cancel the leave already sanctioned. R-3 without cancelling the leave as requested by the applicant directed the applicant to proceed on leave with effect from 8.5.97 to 8.6.97.

3. This OA is filed for setting aside the impugned order No.CRI/HAL/HD/001-5(s)/ADMIN dated 7.5.97 (Page 8 to the OA) by holding the same as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents to forthwith permit the applicant to resume duties by treating the intervening period as if on duty by paying attendant benefits and costs.

4. A reply has been filed in this OA. The respondents submit that the leave once granted is not normally open to change. The applicant was granted the leave taking due note of the circumstances in which the Department was placed during summer period i.e, in the month of May to June, 1997. Necessary arrangements were also made to man the post from which the applicant wanted to go on leave. Any cancellation of the leave without assigning any reason and that too at the last moment is highly irresponsible act on the part of the applicant and there is no vindictiveness on the part of the respondents for not agreeing to the request for cancellation of the leave. In view of what is stated, the respondents request that the OA may be

1

dismissed.

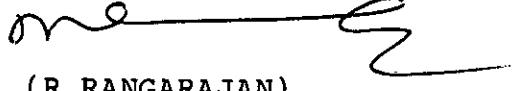
5. The only point for consideration is whether the leave once granted to an employee cannot be cancelled at his request. The Department have got a right to refuse leave when applied for due to exigencies of service. Similarly, employee has got right to cancel his sanctioned leave if situation changes. No rule has been quoted in the reply to the effect that the leave once granted cannot be cancelled even if it is requested by the employee to whom the leave is ~~sanctioned~~. Just because some alternative arrangements have been made vice the applicant after sanction of the leave, it cannot be said that on that account cancellation has to be refused. Alternative arrangements made can be withheld or cancelled and the applicant could have been asked to resume duties in the post in which he ~~is~~ ^{was} working. This in no way effect the department but will only help the department as manpower is not depleted. During summer, number of employees will go on leave. If one of the employees who had obtained the sanction for leave, cancels the same it will only help the department to recoup the strength of the staff and such a cancellation should be treated as an advantage to the Department and not as a disadvantage.

6. In view of what is stated above, I find that the impugned order refusing to cancel the leave already sanctioned to the applicant is not borne by any rule nor it can be accepted as a judicious and appropriate decision. In view of that, the impugned letter No.CRI/HAL/HD/001-5(s)/ADMIN dated 7.5.97 is set-aside. If the applicant was

(J)

forced to go on leave during the period from 8.5.97 to 8.6.97, the period he was actually forced to go on leave should be treated as duty and the consequential benefits on that basis should be granted to him ~~by marking that portion or~~ ~~absence as leave in his leave chart~~.

7. The OA is ordered accordingly. No order as to costs.



(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: 29th October, 1997
Dictated in the open court.



D.R. 31-10-97

vsn

OA.675/97

Copy to:-

1. The Secretary, Ministry of Defence, (Production & Supplies), South Block, DHQ PO, New Delhi.
2. The Director General, Aeronautical Quality Assurance, Ministry of Defence, 'H' Block, DHQ PO, New Delhi.
3. The Chief Resident Inspector, OCRI, DGAQA, Ministry of Defence, Govt. of India, HAL PO, Hyderabad.
4. One copy to Mr. L. Nanda Kishore, Advocate, CAT., Hyd.
5. One copy to Mr. V. Rajeswara Rao, Addl. CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

srr

17/11/97

(7)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B. S. JAI PARAMESHWAR :
M. (J)

Dated: 29-10-97

ORDER / JUDGMENT

M.A/R.A/C.A. NO.

in
D.A. NO. 675 / 97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

