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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No. 1566/97.
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14.5.98

Between:

M.A.Rasheed. Applicant

and

1. Director General, Indian Council for Agricultural Research, Krishi Bhavan, New Delhi -1.
2. The Director, Central Research Institute for Dry Land Agriculture, Santosh Nagar, Saifabad, Hyderabad 500 659.
3. The Senior Administrative Officer, Central Research Institute for Dry Land Agriculture, Santosh Nagar, Hyderabad 500 659. Respondents.

Counsel for the applicant: Sri S.Ramakrishna Rao.

Counsel for the respondents: Sri N.R.Devaraj

JUDGMENT

(By Hon'ble Sri H.Rajendra Prasad, Member (A))

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The applicant, while working as Technical Officer, Grade T-5 with the Respondent Organisation, CRIDA (Central Research Institute for Dry Land Agriculture) was proceeded against under Rule 14 of CCS(CCA)Rules, 1965, and was compulsorily retired from service with effect from 19.2.1996.

He is aggrieved in the present O.A., by Communication No. 2-2/86-WS(Part I) dated 19.5.1997 issued by Respondent No.1

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and communicated by Respondent No.3 vide No. F.I-16(5)/90.Estt. dated 11.8.1997, on behalf of Respondent No.2.

On 31.8.1994 Respondent No.3, on behalf of Respondent No.2, issued an Office Order (F.No.1-16(5)/94.Estt.) wherein a list of 74 officers was shown as having earned Compensatory Leave for the extra hours of duty performed by them between 18-2-1988 and 21.9.1990. The name of the applicant figured at Sl.No.8 of the said list, and it was indicated that he was eligible for 135 days of Compensatory Leave. It was also stipulated that the said leave had to be availed of with prior sanction of the competent authority before 31.12.1995. This date was extended in stages upto 31.12.1997 subsequently.

On 28.10.1995, the request of the applicant for cash payment in lieu of Compensatory Leave was turned down on the ground that there existed no provision in the rules for such a payment. On 17-1-1996 the applicant represented once again for payment of cash compensation in lieu of Compensatory Leave. On 2-2-1996 the officer was told that he was not eligible for the availment of any Compensatory Leave under Rule 55 of Supplementary Rules. His subsequent representation dated 9.12.1996 on this score was also rejected. Hence this O.A.

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The applicant prays for setting aside the order issued by Respondent No.1 on 19-5-1997 and communicated by Respondent Nos. 2 and 3 on 1.8.1997, wherein it is stated that as per the policy of the Department and existing instructions, Technical Officers of Grade T-5 and above are not entitled to any Compensatory Leave for the extra hours of duty performed by them between 8-2-1988 and 21.9.1990. He prays for a direction to be issued to the respondent to make cash payment to him in lieu of Compensatory Leave.

The Respondents in their counter affidavit submit that the ICAR (Indian Council for Agricultural Research) by their Circular Letter F.No.2-2/86-WS dated 21st September, 1990, had fixed 6½ hours (excluding lunch hour) as working-hours for Scientific and Technical Staff but that they had subsequently decided that Officers of Grade T-5 and above are not entitled to any Compensatory Leave. It was further clarified on 31.7.1997 that only those persons who were working in Grades T-II, III and IV between 18-2-1988 and 21.9.1990, but were subsequently promoted to T-V grade, were eligible to avail of the Compensatory Leave and not others. It was further clarified that Gazetted Officers are not eligible for Compensatory Leave and that no officer has been made any cash payment in lieu of Compensatory Leave. They urge that there is no merit in the O.A., on any score and it has therefore to be disallowed.

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The facts of the case have been examined. The Gazetted staff in the Government are not as a rule given the benefit of Compensatory Leave, much less any cash in lieu of such leave, for any extra hours of work performed by them. The main contention of the Respondents is to the effect that it is the Department's policy that officers belonging to Grade T-V and above could not under any circumstances be given the benefit of Compensatory Leave. This policy is not unsound by any means basing on the status and the pay-scales of such officers. Certain Officials in a lower rank were given some benefits which cannot be routinely extended to the Gazetted Personnel. The Policy and the decision of the respondents in this regard cannot be questioned and is upheld.

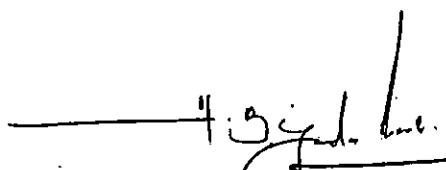
Secondly, the applicant bases his claim mainly on the fact that cash compensation which is claimed by him was indeed made to certain other officers. This was vehemently and specifically denied by the learned Standing Counsel on instructions of the Respondents. Nor was the applicant able to establish that any such payment was made to any one of the officers of Grade T-5 and above. This contention has, therefore, to be rejected.

Thirdly and finally, S.R. 55 cited by the Respondents very conclusively and comprehensively rules out the grant of any leave to a Government Servant under suspension.

The expression "Leave" obviously includes even "Compensatory Leave."

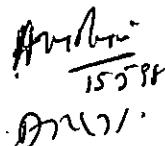
Thus, viewed from any angle, the applicant has not made out any case in support of his claim. The same is found to be wholly untenable.

There is no merit in the O.A., and it is accordingly disallowed. No costs.


H. RAJENDRA PRASAD,

Member (A)

Date: 14 MAY 98


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O.A. 1566/97

To

1. The Director General,
Indian Council for Agricultural Research,
Krishi Bhavan, New Delhi-1.
2. The Director, Central Research Institute,
for Dry Land Agriculture, Santosh Nagar,
Saifabad, Hyderabad-659.
3. The Senior Administrative Officer,
Central Research Institute for Dry Land
Agriculture, Santosh Nagar, Hyderabad-659.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
6. One copy to HHRP.M. (A) CAT. Hyd.
7. One copy to DR(A) CAT. Hyd.
8. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR. JUSTICE~~

~~VICE-CHAIRMAN~~

~~AND~~

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 14-5-1998.

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

1566/92

T.A.No.

(w.p.)

Admitted and Interim directions issued.

~~dis~~ Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
हैदराबाद आयोगीट
HYDERABAD BENCH

27 MAY 1998

Despatched

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