

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.16 of 1999.

DATE OF ORDER:31-12-1999.

Between:

S.Pattabhi Raman.

....Applicant

a n d

1. The General Manager, Telecom District, Tirupati.
2. The Chief General Manager, Telecommunication, A.P.Circle, Hyderabad.
3. Union of India, represented by the Chairman, Telecommunication, New Delhi.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.Venkateswara Rao

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narsimha Sharma

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.K.Venkateswara Rao, learned Counsel for the Applicant and Mr.M.C.Jacob, for Mr.B.Narsimha-Sharma, learned Standing Counsel for the Respondents.

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2. The applicant has availed Earned Leave reported to be on medical grounds during the following periods:-

<u>Sl.No.</u>	<u>Period</u>	<u>No. of days</u>
1.	15-08-94 to 3-10-1994	50
2.	01-01-92 to 15-01-1992	15
3.	07-01-91 to 21-01-91	15
4.	01-07-90 to 15-07-90	15
5.	03-10-83 to 27-12-83	86
6.	05-05-82 to 05-06-82	32

	TOTAL	213 days

3. The leave period dates back from 1982 to 1994. The applicant retired voluntarily on 31-12-1997, which was accepted by Order bearing Memo.No.E/17-109/11, dated 12-12-1997. The applicant requested for conversion of the leave sanctioned to him earlier referred to above as extraordinary leave by his representations dated 3-12-1997 and 17-12-1997. By converting those leave periods he will get his leave credited to the extent of 213 days under Rule 10 of CCS (Leave) Rules, 1972, which would enable him probably to encash that leave at the time of his retirement as by that time the Vth Pay Commission Scales of pay were coming into force and that will give him extra monetary benefits. These representations were rejected in view of the Rule 10 of CCS (Leave) Rules, 1972. The applicant submits that his representations were not disposed of. However, we find that his representations were disposed of by Order No.Q-1054/0A/III/145, dated 9-12-1999, (Annexure. R-1, to the reply).

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4. This OA is filed praying for a declaration that the applicant is entitled for conversion of the periods of E.L. on medical certificate from (1) 15-8-1994 to 3-10-1994, (2) 1-1-1992 to 15-1-1992, (3) 7-1-1991 to 21-1-1991, (4) 1-7-1990 to 15-7-1990, (5) 3-10-1983 to 27-12-1983, and (6) 5-5-1982 to 5-6-1982, thus in all 213 days as extraordinary leave on medical certificate under Rule 10 of CCS (Leave) Rules, 1972, as per his representations dated 3-12-1997 etc., by holding the action of the respondents in not considering his just request for conversion of E.L. on medical certificate as Extraordinary Leave under the guise of correspondence is illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution.

5. A reply has been filed in this OA. In the reply it is stated that in view of Sub-Rule(1) of Rule 10 of CCS (Leave) Rules, 1972, the applicant is not entitled for conversion as prayed for by him.

6. Though the applicant submits that his representations were not disposed of, we see through the Annexure.R-1 letter to the reply that his representations in this connection had been disposed of by Order dated 9-12-1999. That Order is not challenged in this OA. Apart from that, from the rule position also the applicant may not be able to get the required relief in this OA.

7. Sub-Rule (1) of Rule 10 of CCS (Leave) Rules, 1972 reads as follows:-

"At the request of a Govt. servant, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the Govt. servant cannot claim such commutation as a matter of right."

8. The applicant retired voluntarily on 31-12-1997. So far as the relevant rule is concerned under the CCS (Leave) Rules, the applicant cannot aspire to get the relief as prayed for in this OA. The CCS (Leave) Rules prevent such conversion if the authority which granted him leave did not sanction at the time of granting the leave. Further, it is to be noted that the applicant requests for conversion for the period sanctioned to him right from 1982 to 1994. If he wants those leave periods to be converted as EOL, he could have applied then and there itself. But he did not do it. Only a fortnight before his retirement, he applied for conversion. Hence, the seriousness of the applicant can be gauged from the action. We feel that the applicant is interested to get some monetary benefits in view of the introduction of the Vth Pay Commission scales of pay. Such an attitude on the part of the applicant for conversion of leave cannot be accepted. He should have got his

leave converted in time at the time of granting leave. That is sufficient to deny him the relief as prayed for in this OA.

9. Similar view was also taken in OA.No.1233 of 1998.

10. In view of what is stated above, we find no merit in this OA. Hence, the OA is dismissed. No costs.

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(R.RANGARAJAN)
MEMBER (ADMN.)

D.Nasir
(D.H.NASIR)
VICE CHAIRMAN

DATED: this the 31st day of December, 1999

Dictated in the Open Court

DSN

Aug
6-1-2020

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

31/12/2000
CHECKED BY
APPROVED BY

COPY TO:

1. HDHNJ
2. HRRN M (ADMN.)
3. HSSJP M (JUDL.)
4. D.R. A (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

THE HON'BLE MR. JUSTICE D.H.NASIR
VICE CHAIRMAN

THE HON'BLE MR.R.RANGRAJAN
MEMBER (ADMN.)

THE HON'BLE MR.B.S.JAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 31/12/97

MA/R/CP.NO.

IN

DA. NO. 16/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CR-CLOSED

(7 exps)

BA-CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER REJECTED

NO ORDER AS TO COSTS

नियम प्रशासनिक अधिकरण
Central Administrative Tribunal
DESPATCH / DESPATCH

11 JAN 2000

HYDERABAD BENCH