

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A.No.454 OF 1999.

DATE OF ORDER:21-4-1999.

BETWEEN:

T.Ramanaiah.

...Applicant

a n d

1. Union of India, represented by its Director General, Department of Posts, Dak Bhavan, Sansad marg, New Delhi.
2. The Postmaster General, Vijayawada.
3. The Superintendent of Post Offices, Gudur, (NL).

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.Krishna Devan

COUNSEL FOR THE RESPONDENTS:: Mr.V.Rajeshwara Rao

CORAM:

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.Krishna Devan, learned Counsel for the Applicant and Mr.V.Rajeshwara Rao, learned Standing Counsel for the Respondents.

.....2

2

2. The applicant in this OA retired on superannuation ^{that} on 31-8-1997. It is stated all his Final Settlement Dues ~~had~~ been paid to him except the benefit on account of leave encashment. The applicant has submitted representations for settling his leave encashment dues. His first representation is at Annexure.4, page.10 to the OA dated:22-9-1997 followed by reminder at Annexure.5, page.11 dated:20-3-1998. It is stated that no reply has been given to him.

3. This OA is filed praying for a direction to the Respondent no.3 to sanction forthwith the payment of cash equivalent to the leave at credit of the applicant as on the date of retirement along with interest at the rate of 18% per annum on the arrears of such benefit due from 1-9-1997 till the date of actual payment to the applicant, by declaring the action of the respondents in withholding the payment in respect of encashment of leave ~~which~~ is contrary to the extant rules.

4. When the applicant has been paid all the Final Settlement Dues, there is no reason to leave out the leave encashment benefit for such a long time. If the applicant has got leave to his credit, he should have been paid by now. If there is no leave to his credit, he should be informed so. If some leave is available even though the leave as asserted by the applicant is not ^{as per rule} available to that extent, the benefit be granted to that applicant. Though the applicant is representing

his case right from the year 1997, it appears no action has been taken by the respondents. This is a serious lapse on the part of the respondents. Further the applicant brought to my notice the Rule 39(2)(a) of CCS(Leave)Rules, which compells the respondent-authorities to pay the leave encashment immediately after retirement.

5. In view of what is stated above, the following direction is given:-

"The Respondent No.3 should finalise the matter regarding the leave encashment of the applicant to the extent of leave available to his credit within One month from the date of receipt of a copy of this Order. Before settling the issue, he should inform the applicant to meet him so that the applicant can be informed in person also in regard to the availability of the leave. If any amount ^{due} to leave encashment is to be paid to the applicant, the same should be paid with 12% interest ~~from~~ ^{from} Six months after the date of his retirement till it is paid."

6. With the above direction, the OA is disposed of.
No costs.



(R.RANGARAJAN)
MEMBER(ADMN)

DATED: this the 21st day of April, 1999

Dictated to steno in the Open Court

DSN

April
13/4/99

1ST AND 2ND COURT

COPY TO:-

1. HONO

TYPED BY

CHECKED BY
APPROVED BY

2. HHRP M(A)

COMPARED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

3. HBSOP M(3)

4. B.R. (A)

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

5. SPARE

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

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

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

DATED: 21-4-99

ORDER / JUDGEMENT

MA./R.A./C.P. NO. _____

IN

C.A. NO. 454/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED.

NO ORDER AS TO COST.

SRR

7 (Seven)

