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**CENTRAL ADMINISTRATIVE TRIBUNAL**
**GUWAHATI BENCH**
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES,1990)

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CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH:GUWAHATI.5

ORIGINAL APPLICATION NO. 32/2001

...Sureesh. Pal. Singh. Yadav. .Applicant.

versus

Union of India & Ors ..... Respondents.

For the Applicant(s) Mr. B.K. Sharma.
Mr. P.K. Tiwari.
Mr. U.K. Goswami.
Mr. S. Sarma.

For the Respondents. .....
Mr. B.C. Pathak, Addl. C.G.S.C.

| NOTES OF THE REGISTRY | DATE | ORDER |
|---|---|---|
| This application is in form but not in proper Petition [illegible] vide M.P. No [illegible] C.F. for Rs. 50/- [illegible] vide IPO/BD No 421050 Dated 4.1.2001 Dy. Registrar. 29/01/01 | 30.1.01 | Present: Hon'ble Mr.Justice D.N. Choudhury, Vice-Chairman and Hon'ble Mr.K.K.Sharma, Administrative Member. Heard learned counsel for the parties. Application is admitted. Issue notice on the respondents. Call for records. List on 2.3.01 for orders. Member Vice-Chairman |
| | lm | |
| | 2.3.01 | List on 12.3.01 to enable the parties to obtain necessary instruction on the matter. Member Vice-Chairman |
| Envelopes not filed. | | |
| 9.2.2001 Service of Notice issued to the respondents vide D.No. 437 to 441 dt. 8.2.2001. | pg | |
| | 12.3.01 | Reply has been filed on behalf of the respondents and this case be listed in presence of Mr.R.Dutta learned counsel for the applicant. List on 30.4.01 for orders. Member Vice-Chairman |

lm

O.A. 33 of2001

12.3.01 The application relates to grant of Leave encashment in lieu of Earned Leave not available. It was stated by Mr.B.C.Pathak Addl.C.G.S.C that the applicant was intimated by letter dated 24.1.2001 to submit the claim in proper format for 30days for the year 1999 Mr.Pathak to-day also placed on record by a intimation letter dated 8.3.01 addressed to the applicant. The contents of the application is reproduced below :-

"You have submitted your claim for leave encashment in pursuance of U.P. Govt.Circular No.GEN-4-1905/TEN-81-202-70 dtd. 30.01/81 in proper format claiming leave encashment for 1/1/200 to 31/01/2000 on 24/07/2000. Accordingly your claim has been processed and leave encashment for 30 days for the year 1999 encshed and drawn. A copy of sanction order also endorsed to you vide No.E/163/2001/00705-08 dtd.2.2.2001. But the amount so drawn i.e Rs. 11,496/-has not yet been received bt you inspite of the information given to you by the office while receiving your salary for the month of February, 2001.

You have further been asked to submit your claim in proper format vide this office letter No.DPSNL 200 00577/E/163 dtd.24.01.2001 but you have failed to do so.

You are therefore, once again advised to submit your leave encashment claim for past period in proper format for payment of leave encashme

The aforesaid copy is placed on records In the facts and circumstances we do no find any ground to initiate the contemp proceedings. Accordingly, O.A. is closed.

Member Vice-Chairman

lm

| Notes of the Registry | Date | Order of the Tribunal |
|---|---|---|
| | 12.3.01 | The application relates to grant of leave encashment in lieu of Earned Leave not availed. It was stated by Mr.B.C.Pathak Addl.C.G.S.C. that the applicant was intimated by letter dated 24.1.2001 to submit his claim in proper format. Mr.Pathak to-day also placed on record a communication dated 8.3.01 addressed to the applicant. The contents of the application are reproduced below:- |

"You have submitted your claim for leave encashment in pursuance of U.P. Govt. Circular No.GEN-4-1905/TEN-81 202-70 dtd. 30.01/81 in proper format claiming leave encashment for 1/1/2000 to 31/01/2000 on 24/07/2000. Accordingly your claim has been processed and leave encashment for 30 days for the year 1999 encashed and drawn. A copy of sanction order also endorsed to you vide No.E-163/2001/00705-08 dtd. 2.2.2001. But the amount so drawn i.e. Rs. 11,496/- has not yet been received by you in spite of the information given to you by the office while receiving your salary for the month of February, 2001.

You have further been asked to submit your claim in proper format vide this office letter No.DPSHL 2001/00577/E/163 dtd. 24.01.2001 but you have failed to do so.

You are therefore , once again advised to submit your leave encashment claim for past period in proper format for payment of leave encashment ."

The aforesaid copy is placed on records and such form the part of the Records. In the facts and circumstances we do not find any ground to continue with the proceedings any further. The applicant is accordingly ordered to comply with the directions contained in the communicationdated 24.1.2001 and 8.3.2001 with utmost despatch , if not already done.

The respondents are also directed to complete the exercise for disbursal of the claim expeditiously preferably within a month from receipt of the claim from the applicant in the format.

The application thus stands dispose-

contd/-

| Notes of the Registry | Date | Order of the Tribunal |
|---|---|---|
| 14.3.2001<br>Copy of the order has been sent to the D/Sec. for issuing the same to the L/Advocate for the Respondents.<br>H.S. | 12.3.01<br><br>lm | leaving it open to the applicant to move the Tribunal again if he feels aggrived by the action of the Respondents on the issue.<br><br>Member<br><br>Vice-Chairman |

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH:GUWAHATI.5

ORIGINAL APPLICATION NO. 32/2001

Sareesh. Pal. Singh. Yadav. .Applicant.

versus

Union of India & Ors . . . . . Respondents.

For the Applicant(s) Mr. B.K. Sharma.
Mr. P.K. Tiwari.
Mr. U.K. Goswami.
Mr. S. Sarma.

For the Respondents. . . . . .
Mr B.C. Pathak Addl. C.G.S.C.

| Notes of the Registry | Date | Order of the Tribunal |
|---|---|---|
| | 12.3.01 | The application relates to grant of leave encashment in lieu of Earned Leave not availed.It was stated by Mr.B.C.Pathak Addl.C.G.S.C. that the applicant was intimated by letter dated 24.1.2001 to submit his claim in proper format. Mr.Pathak to-day also placed on record a communication dated 8.3.01 addressed to the applicant. The contents of the application are reproduced below:- "You have submitted your claim for leave encashment in pansuance of U.P. Govt. Circular No.GEN-4-1905/TEN-81 202-70 dtd. 30.01/81 in proper format claiming leave encashment for 1/1/2000 to 31/01/2000 on 24/07/2000. Accordingly your claim has been processed and leave encashment for 30 days for the year 1999 encashed and drawn. A copy of sanctin order also endorsed to you vide No.E/163/2001/00705-08 dtd. 2.2.2001. But the amount so drawn i.e. Rs. 11,496/- has not yet been received by you in spit of the information given to you by the office while receiving your salary for the month of February, 2001. You have further been asked to submit your claim in proper format vide this office letter No.DPSHL 2001/00577/E/163 dtd. 24.01.2001 but you have failed to do so. You are therefore , once again advised to submit your leave encashment claim for past period in proper format for payment of leave encashment ." The aforesaid copy is placed on records and form the part of the Records. In the facts and circumstances we do not find any ground to continue with the proceedings any further. The applicant is accordingly ordered to comply with the directions contained in the communicationdated 24.1.2001 and 8.3.2001 with utmost despatch , if not already done. The respondents are also directed to complete the exercise for disbursal of the claim expeditiously preferably within a month from receipt of the claim from the applicant in the format. The application thus stands disposed contd/- |

O.A.33 of 2001

| Notes of the Registry | Date | Order of the Tribunal |
|---|---|---|
| | 12.3.01 | leaving it open to the applicant to move the Tribunal again if he feels aggrived by the action of the Respondents on the issue. |

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Memo no. 1038 Dt. 20-3-01

Copy for information and necessary action to:

1. Sri B.C. Pathak Addl. C.G.S.C., C.A.T., Guwahati Bench, Guwahati.

19/3/01

Section Officer (J)

19/3/01

**Government of India**
**O/o the Superintendent of Police**
**Central Bureau of Investigation**
**Anti-Corruption Branch**
**R.G.Baruah Road,Sundarpur**
**Guwahati-5**

**No.E/163/2001/_____** **DATE :: 08/03/2001**

To

Shri S.P.Singh Yadav,
Inspector of Police (U/s)
CBI/ACB/Guwahati.

## Sub : Grant of Leave Encashment in lieu of earned leave not availed.

You have submitted your claim for leave encashment in pursuance of U.P.Govt.Circular No.GEN-4-1905/TEN-81-202-70 dtd. 30/10/81 in proper format claiming leave encashment for 1/1/2000 to 31/01/2000 on 24/07/2000. Accordingly your claim has been processed and leave encashment for for 30 days for the year 1999 encashed and drawn. A copy of sanction order also endorsed to you vide no.E/163/2001/00705-08 dtd. 2/2/2001. But the amount so drawn i.e. Rs.11,496/- has not yet been received by you inspite of the information given to you by the office while receiving your salary for the month of February,2001.

You have further been asked to submit your claim in proper format vide this office letter no.DPSHL2001/00577/E/163 dtd. 24/01/2001 but you have failed to do so.

You are therefore, once again advised to submit your leave encashment claim for past period in proper format for payment of leave encashment.

Superintendent of Police
CBI/ACB/Guwahati
Date :: 08/03/2001

Endst.No.E/163/2001/ 01524

Copy to :

Shri B.C.Pathak,Advocate, Central Government Standing Counsel,CAT,Guwahati for information and necessary action. This has ref to OA-NO 33/2001

Superintendent of Police
CBI/ACB/Guwahati

**/nc.**

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 33/2001

1.
a) Name of applicant : S.P.S. Yadav.

b) Respondents : Union of India & Ors.

c) No.of Applicant :- 1 (one)

2. Is the application in the proper form : Yes/No.

3. Whether name & description and address of all the papers been furnished in cause title. : Yes/No.

4. Has the application been duly signed and verified : Yes/No.

5. Have the copies been duly signed : Yes/No.

6. Have sufficient number of copies of the application been filed : Yes/No.

7. Whether all the anecessary parties are impleded : Yes/No.

8. Whether English translation of doccuments in the language : Yes/No.

9. Is the application is in time :- Yes/No.

10. Has the Vakalatname/Memo of appearance/Authorisation filed: Yes/No.

11. Is the application by IPO/BD for Rs.50/- : 421056 Dt. 4.1.2001

12. Has the application is maintanable : Yes/No.

13. Has the impugned order original duly attested been filed : Yes/No.

14. Has the legible copies of the annexures duly attested filed : Yes/No.

15. Has the index of doccuments been filed all agailable :- Yes/No.

16. Has the required number of envelope bearing full address of the respondents been filed :- Yes/No

17. Has the declaration as required by item 17 of the form : Yes/No

18. Whether the relief sought for arises out of the Single : Yes/No

19. Whether the interim relief is prayed for : Yes/No.

20. In case of condonation of delay is filed is it supported : Yes/No

21. Whether this case can be heared by SINGLE/DIVISION BENCH :

22. Any other points :

23. Result of the scrutiny with initial of the Scrutiny clerk : 29/1

29/01/01
SECTION OFFICER

on leave.
DEPUTY REGISTRAR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
29 JAN 2001
गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the Case : O.A. No. 33 of 2001

Suresh Pal Singh Yadav ... Applicant

- Versus -

Union of India & Ors. ... Respondents

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For use in Tribunal's Office :

Date of filing : 25-1-2001

Registration No. 33/2001

REGISTRAR

Filed by: the Applicant through Vijay Kr. Gurung Advocate 24/1/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

O.A. No. 33 of 2001

BETWEEN

Shri Suresh Pal Singh Yadav, Inspector (Under Suspension), Central Bureau of Investigation, office of the Supdt. of Police, Central Bureau of Investigation, R.G. Baruah Road, Sundarpur, Guwahati-781005.

... Applicant

AND

1. Union of India through the Secretary to the Government of India, Ministry of Personnel & Training, New Delhi.

2. The Director, Central Bureau of Investigation, CGO Complex, Lodi Road, New Delhi.

3. The Deputy Inspector General, Central Bureau of Investigation, Chenikuthi, Nabagraha Hillside, Guwahati=781003.

4. The Superintendent of Police, Central Bureau of Investigation, Anti Corruption Branch, R.G. Baruah Road, Sundarpur, Guwahati-781005.

5. The Administrative Officer (E), Central Bureau of Investigation, Government of India, Administrative Division, Block No. III, CGO Complex, Lodi Road, New Delhi-110003.

.... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The present application is not against any specified order, but the same is against the non-payment of leave encashment to the Applicant since September 1993.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the instant application for which he wants redressal is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

The applicant further declares that the grievance of which the redressal is being sought is in the nature of continuous wrong. Hence the present application fulfills the requirement of limitation as envisaged under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant is a citizen of India and he joined as Inspector, Central Bureau of Investigation, Anti Corruption Branch, Shillong on 24.9.93 after being sent on deputation by the UP Police. In 1995, the office of the Supdt. of Police was shifted from Shillong to Guwahati and the Applicant accordingly was also shifted to Guwahati and since then he has been working in the said capacity.

4.2 That the Applicant is entitled for 30 days earned leave in a calendar year and in the event of not availing the said leave, he is entitled to leave encashment for one month in a calendar year. The said facility is available to the employee of Government of Uttar Pradesh even while on deputation to other State, Central Government Department and on foreign

assignment. The details of leave encashment and granting of the said benefit to the employees of the Government of U.P. are contained in office memorandum dated 30.10.1981. The aforesaid order was brought into effect on 29.9.1981. Clause 11 of this office memorandum categorically states that the facility of leave encashment is admissible to those Government servant also who are on deputation to Government of India/other States Government or foreign service. Therefore, the Applicant is entitled to the benefit of leave encashment under the aforesaid office memorandum.

Copy of relevant office memorandum dated 30.10.1981 alongwith its English translation is annexed hereto as ANNEXURE-A/1.

4.3 That since the Applicant's joining the CBI with effect from 24.9.93, till now he was not granted earned leave due to the exigencies of official work. Applicant was also not granted and disbursed "leave encashment in lieu of earned leave not availed", despite his repeated requests and representations to the competent authority.

4.4 That consequently, during last seven years of Applicant's service on deputation in CBI, he is entitled to seven months of leave encashment on account of seven months of leave earned. Further during last seven years of deputation in CBI, the Applicant earned 7 x 30 = 210 days of earned leave in his leave account. Given the fact that Applicant was already having 120 days of earned leave in his account while he came on

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deputation, his total earned leave becomes 210 + 120 = 330 days.

4.5 That as per statutory provisions unavailed earned leave accumulated beyond 300 days is treated as lapsed. Therefore, the Applicant is not only being deprived so long of the pleasure of holiday on earned leave on account of exigencies of Government duty, but also he was denied his legitimate right of leave encashment in lieu of earned leave not availed and thereby he was being subjected to financial injury for the reasons best known to the competent authority.

4.6 That when on various occasions the Applicant took up the matter of non-payment of leave encashment to him since September 1993 the Administrative Officer, CBI, New Delhi (Respondent No. 5) vide letter dated 21.1.98 intimated to the SP, CBI, Guwahati (Respondent No. 4) that no detailed instructions regarding leave encashment to the officers of UP Police are available in Head Office and as such, further clarifications in this regard may be obtained from UP Government vide their order No. 4-488/10/20088 dated 25.8.89. It is stated that the order dated 25.8.89 of the Government of U.P. in regard to leave encashment is a sequal to another office memorandum dated 13.6.1985. The office memorandum dated 13.6.1985 was issued to remove certain anomalies in the matter of granting the benefit of leave encashment. After the issue of office memorandum dated 13.2.1985, the office memorandum dated 25.8.1989 was issued. The same became necessary due to revision

of pay scale implemented by the Government of U.P. with effect from 1.1.86. Pursuant to this office memorandum with effect from 1.1.86, the Government employees of the State Government of U.P. receiving Rs.2,900/- per month or less in revised pay scales were entitled for thirty days and those receiving more than Rs.2,900/- per month were entitled for 15 days leave encashment in lieu of leave not available, once in one calendar year.

Copy of the letter of the Administrative Officer, CBI, New Delhi dated 21.1.98 is annexed as ANNEXURE-A/2.

Copy of the office memorandum dated 13.6.85 is annexed as ANNEXURE-A/3.

Copy of the office memorandum of the Government of Uttar Pradesh dated 25.8.89 is annexed as ANNEXURE-A/4.

4.7 That the contentions of the Respondents that the instructions regarding leave encashment to the offices of UP Police are not available in office is not correct. It is stated that Head Office is aware of the rules governing the officers of UP Police in regard to payment of the benefit of leave encashment. It is stated that as per the office memorandum dated 30.10.81 of the UP Police, the Applicant is entitled to leave encashment for one month in lieu of earned leave not availed in the interest of official duty. As stated earlier, the memorandum of 30.10.81 was succeeded by two other memorandums dated 13.6.85 and 25.8.89. Since

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the reference to the same has been made above, the same are not repeated here for the sake of brevity.

4.8 That as per the conditions laid down in the office memorandum of the Government of Uttar Pradesh dated 30.10.81, the Government employees receiving salaries less than Rs.1400/- mensem are entitled for 30 days and those employees receiving salary more than Rs.1400/- per month are entitled for 15 days' earned leave encashment once in a calendar year. However, subsequently, after the recommendations of the Pay Commission in May 1999 and implementation of revised pay scales of the employees of the State of Uttar Pradesh with effect from 1.1.86 vide office memorandum of the Government of Uttar Pradesh dated 25.8.89 with effect from 1.1.86 the Government employees of the State of Uttar Pradesh receiving Rs.2900/- p.m. or less in revised pay scales are entitled for 30 days and those receiving more than Rs.2900/- p.m. are entitled for 15 days leave encashment in lieu of leave not availed once in a calendar year.

4.9 That though the Applicant brought to the notice of the Respondents all the aforesaid three different office memorandums, but the benefit of leave encashment was not given to the Applicant. The Applicant was neither granted leave encashment in the calendar years subsequently to the receipt of the letter of Administrative Officer (E), CBI, New Delhi dated 21.6.98 nor for the years from 1993 to 1998.

4.10 That it is pertinent to mention that other deputationists from U.P. Police working in CBI/ACB/New Delhi viz. Shri Paban Saxena, Inspector/CBI and also others working in CBI/ACB/Lucknow are regularly being granted leave encashment as per the provisions of the said order. Even this fact was brought to the notice of the Respondents, but the same was not paid any attention.

4.11 That the Applicant has reasons to believe that due to various factors, the Respondents are not keen on giving him the benefit of leave encashment. The benefit of leave encashment is Applicant's right and the same cannot be denied to him. Moreover, as other similarly situated CBI officers are being given the aforesaid benefit, the Applicant cannot be denied the same. Further being on deputation, the Applicant is entitled to all those benefits and privileges that are available to him in his home state of U.P. in the capacity of being an officer of U.P. Police.

4.12 That when despite various requests, there was no satisfactory reply from the Respondents and repeatedly the Applicant was told about non-availability of adequate instructions or office orders from the U.P. Police, the Applicant in his representation dated 22.7.2000 addressed to the Addl. Director, CBI, East Zone, Calcutta submitted in detail his case for granting of leave encashment alongwith all the relevant office memorandums of U.P. Police. However, the aforesaid representation dated 22.7.2000 has not been

disposed of as yet and the Applicant has reasons to believe that no fruitful purpose would be served in waiting any further for disposal of the aforesaid representation.

Copy of the representation dated 22.7.2000 is annexed as ANNEXURE-A/5.

4.13 That the Applicant agitated his grievance of non-payment of leave encashment in O.A. No. 137/2000, however, in its order dated 18.4.2000, this Hon'ble Tribunal directed the Applicant to file a separate O.A. agitating the said grievance. Thereafter the Applicant preferred Annexure-A/5 representation dated 22.7.2000 in the hope that better sense would prevail amongst the Respondents. However, the Respondents chose not to pay any heed to the request of the Applicant. Hence the present application is being filed for securing the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 Because office memorandum dated 30.10.1981 of the Government of U.P. gives the benefit of leave encashment to its employees. Column 11 of this memorandum makes it clear that the facility of leave encashment is admissible to those Government servant also who are on deputation to Government of India and/or other states. The Applicant being on deputation to the Government of India from the State of Uttar Pradesh is entitled to the said benefit.

5.2 Because the letter of Administrative Officer (E), CBI dated 21.1.1988 made it clear that the

clarifications in regard to leave encashment to the officers of U.P. Police may be obtained from the U.P. Government vide their order dated 25.8.89, but despite that the CBI authorities chose to ignore the matter and denied the Applicant the benefit of leave encashment without any just and sufficient reason.

5.3 Because the other similarly situated deputation staff from U.P. Police in CBI are being given the benefit of leave encashment, but the Applicant is being denied the same. Hence the action of the Respondents is violative of Article 14 of the Constitution of India.

6. DETAILS OF REMEDIES EXHAUSTED :

That the Applicant states that he has no other alternative efficacious remedy except by way of approaching this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition ore suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

8.1 Direct the Respondents to grant the Applicant the leave encashment for earned leave not availed while rendering service on deputation in CBI since 24.9.93 till date alongwith the interest.

8.2 Pass such other order/orders as may be deemed fit and proper in the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR :

In the facts and circumstances of the case, the Applicant does not pray for interim relief. However, he prays for early disposal of the present application.

10. .....

The Application is filed through Advocate

11. PARTICULARS OF THE I.P.O. :

(i) I.P.O. No. : 5G 421056

(ii) Date : 4/1/2001

(iii) Payable at : Guwahati

12. LIST OF ENCLOSURES :

As stated in the Index.

## V E R I F I C A T I O N

I, Suresh Pal Singh Yadav, Son of Late Netra Pal Singh Yadav, aged about 47 years, presently working as Inspector, Central Bureau of Investigation, Anti Corruption Branch, R.G. Baruah Road, Guwahati and residing at Dorothy Apartment, 4th Bye Lane, ABC, Tarun Nagar, Guwahati-781005, do hereby solemnly affirms and verify that the statements made in the accompanying application in paragraphs 4.1, 4.3, 4.4, 4.5, 4.7 to 4.13 _____ are true to my knowledge ; those made in paragraphs 4.2, 4.6, _____ are true to my information being based on records which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign this verification on this the 24th day of January 2001 at Guwahati.

Suresh Pal Singh Yadav.

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Annexure - A/1

GOVT. OF UTTARPRADESH
FINANCE (GENERAL) SECTION - 4

NO. GEN-4-1905/TEN-81-202-70
LUCKNOW, 30 OCTOBER, 1981

O F F I C E  M E M O

The undersigned is directed to state that vide OM No. GEN-4-251/TEN-81-202-70 dtd. 28 May, 1981 R/W Govt. Order No. GEN-4-1255/TEN-81-202-70 dtd. 21 October 1981, Presently facility of Leave Encashment is admissible equivalent to Payment of Salary of 1 months/30 days Leave/Earned Leave from their accumulated leave account, without actually availing said leave, once in calander year, under certain stipulated conditions to those employees of State Govt. drawing salary of Rs. 1000/- per month or less. As per decision taken by the Govt. on the recommendations of U.P. Pay Commission (1979-80) as regards to leave encashment, His Excellency the Governor of Uttar Pradesh is pleased to order that facility of Earned Leave Encashment will now be admissible under following conditions.

1. As recommended by Pay Commission and accepted by Govt. in revised Pay Scales, Facility of leave encashment is admissable for 1 month/30 days Earned Leave for those employees inreceipt of Rs. 1400/- P.M. or less, and 15 days leave encashment to those in receipt of more than Rs. 1400/- per month with the condition, that as on the date after surrendering 1 month/30 days EL in leave account of the employee for encashment, their must be in residue atleast 60 days E.L. The provision is stipulated in view of the interest of Govt. Employee so that if need be he may avail Earned Leave without being compelled to avail leave at Half Pay/without Pay.

2. Benefit of Earned Leave Encashment is admissible to officers of All India Services working under State Govt. also, under conditions stipulated in Para 1 hereinabove.

Attested
UK Goswami
Advocate

However, with restriction that said benefit will not be admissible to state cadre officers during period of deputation under Central Govt.

3. The State Govt. Employee in present scale including All India Service officer whose Pay Scales are not yet revised regarding admissibility of Leave Encashment, the Dearnes allowance/additional Dearness allowance as on 1.7.1979 would be added to basic salary and thereby on the basis of Salary so calculated, this facility for Leave Encashment for 1 month/30 days/15 days will be sanctioned.

4. Illegible/ (as regards admissibility of Leave Encashment only basic pay (as defined in Rule(21) (one) should be teken into account and other pays should be omitted)

5. For the duration of leave encashment applied for, that leave salary, non practicing allowance/Pay, Dearness allowance & city compenstory allowance would be payable to the Govt. Servant, which would have been paid other wise in case of actually availing 1 month/30 days/15 days Earned Leave by him. However No. HRA will be admissible for the period of Leave applied for and deduction their from would be made as regards to G.P.F. Advance, House Rent, other Payments to cooperative societies etc.

6. The officers competant to sanction E.L/Leave on average pay would be competent to sanction Earned leave encashment. Application for Leave Encashment should be submitted in Prescribed Form.

Further after grant of Leave Encashment and on the date thereof 1 month/30 days/15 days Earned Leave should be deducted in Leave account and remark to this effect should be made therein that such deduction in the leave account has been made on account of Leave Encashment.

7. This Facility for Leave Encashment will be admissible only one in a calander year.

8. Illegible

9. Facility of Leave Encashment will not be admissible in those cases where, Govt. Servant is to retire in less than 1 month/30 days/15 days as applicable to him.

10. Payment of Leave Encashment should be made to the NGO Employees just after the leave applied for. In case of Gezetted Officers Advance drawl could be made as applicable. In case of drawls for 120 days Earned Leave as per Finance Rule Para-5, Part-1 Section 240.

11. This facility is admissible to those Govt. servants also who are on deputation to Govt. of India/other States Govt. or Foreign Service.

12. In order to ensure that required entires as regards to encashment of Earned Leave has been made in leave account, so far as non gazetted officers are concerned the same will be made in service book, leave Account at the time of Leave Encashment drawl. While drawing leave encashment for Earned Leave applied for, the disbursing officer will certify in the bill in which drawls are made that necessary entries as regards to the leave encashment has been made in service book/leave account etc.

13. The Govt. servants may avail the facility of depositing the amount so received through leave encashment, if they wish, in the G.P.F. Acccounts. However where-ever such G.P.F. is of Permanent nature there will not be any consequent right on the Govt. contribution in this regard.

This order is effective w.e.f. 29th Sept, 1981.

Nripendra Mishra
SPL. Secretary

To

All Head's of Department
Principal Controlling Officers, U.P

No. GENERAL-4-1905(I)TEN-81-202-70 dtd.

Copy forwarded to following for information and necessary action.

1. AG(A&E) I & III U.P., Allahabad.
2. AG II U.P. Lucknow.
3. Secretary Legislative Assembly/Legislative Council, Lucknow.
4. Principal Finance & Accounts Training, Centre Lucknow
5. All setions of Secretariate.

By order

Radha Raman Sikroria
Dy. Secretary

Attested
Advocate

26

उत्तर प्रदेश सरकार

वित्त (सामान्य) अनुभाग-4

संख्या सामान्य-4-1905/दस-81-202-70

लखनऊ, 30 अक्टूबर, 1981

कार्यालय ज्ञाप

अधीनस्थ कार्यालयों को यह कहने का निदेश हुआ है कि सम्प्रति कार्यालय ज्ञाप संख्या सामान्य-4-851/दस-81-202-70 दिनांक 28 मई, 1981 सपठित शासनादेश संख्या सामान्य-4-1255/दस-81-202-70, दिनांक 1981 के अनुसार राज्य सरकार के ऐसे सेवकों को, जो 1,000 रुपये प्रति मास या उससे कम वेतन प्राप्त करते हैं, अवकाश के वास्तविक उपभोग के बिना कैलेण्डर वर्ष में एक बार अपने संचित अवकाश लेने के फलस्वरूप वेतन पर अवकाश/अर्जित अवकाश (1980 के पूर्व अवकाश कार्ड के लागू अवकाश नियमों के तहत स्वीकृत) के नकदीकरण की सुविधा कतिपय शर्तों से संशोधन अनुमन्य है। अवकाश नकदीकरण के सम्बन्धित विषय पर वेतन आयोग (1979-80) की संस्तुतियों पर शासन द्वारा लिये गये निर्णय का अनुसरण करते हुए शासन सहर्ष आदेश प्रदान करते हैं कि अर्जित अवकाश के नकदीकरण की सुविधा अब निम्नलिखित शर्तों के अधीन अनुमन्य होगी:—

(1) वेतन आयोग द्वारा संस्तुत और शासन द्वारा स्वीकृत पुनरीक्षित वेतनमानों में 1400 रुपये प्रति मास अथवा उससे कम वेतन पाने वाले सरकारी सेवकों को एक मास/30 दिन (अवकाश नियमों के तहत ऐसी स्थिति हो) तथा 1400 रुपये प्रति मास से अधिक वेतन पाने वाले सरकारी सेवकों को 15 दिन के अर्जित अवकाश के नकदीकरण की सुविधा, अवकाश के वास्तविक उपभोग के बिना, इस शर्त पर अनुमन्य होगी कि संचित एक मास/30 दिन/15 दिन के अर्जित अवकाश के सम्पूर्ण के पश्चात सम्बन्धित सरकारी सेवक के अवकाश लेखे में कुछ से कम 60 दिन का अर्जित अवकाश अवशेष शेष रह जाय। अवकाश के सम्पूर्ण के पश्चात अवकाश लेखे में कम से कम 60 दिन के अर्जित अवकाश अवशेष शेष रहने का प्राविधान सरकारी सेवकों के हितों को ध्यान में रखते हुए इस उद्देश्य से किया गया है कि सरकारी सेवक आवश्यकता पड़ने पर उसका उपभोग कर सकें और उन्हें सदैव वेतन/नियमित अवकाश लेने के लिए बाध्य न होना पड़े।

(2) अर्जित अवकाश के नकदीकरण की यह सुविधा राज्य सरकार के अधीन कार्यरत अखिल भारतीय, सेवा के अधिकारियों को भी उपर्युक्त मद संख्या (1) में उल्लिखित शर्तों के अधीन अनुमन्य होगी परन्तु प्रतिबन्ध यह है कि राज्य सरकार को आवंटित अखिल भारतीय सेवाओं के अधिकारियों को अवकाश नकदीकरण की यह सुविधा सेन्ट्रल डेपुटेशन की अवधि में अनुमन्य नहीं होगी।

(3) वर्तमान वेतनमानों में कार्यरत राज्य सरकार के सेवकों को जिनमें अखिल भारतीय, सेवा के अधिकारी भी सम्मिलित हैं, जिनके वेतनमान पुनरीक्षित नहीं किये गये हैं, अवकाश के नकदीकरण की अनुकम्पा के लिये उन के मूल वेतन में दिनांक 1-7-1979 को अनुमन्य महंगाई भत्ता/अतिरिक्त महंगाई भत्ता जोड़ दिया जायेगा और इस प्रकार आगणित वेतन के आधार पर ही उन्हें एक मास/30 दिन/15 दिन के अवकाश के नकदीकरण की सुविधा स्वीकृत की जायेगी।

(4) अवकाश नकदीकरण की सुविधा की गणना के लिये केवल मूल वेतन [illegible] (21) (एक) में परिभाषित मूल वेतन को ही ध्यान में रखा जाना चाहिये तथा अन्य वेतनों को सम्मिलित कर दिया जाना चाहिए।

(5) इस प्रकार के सम्बन्धित अवकाश की अवधि के लिए सम्बन्धित सरकारी सेवक को अवकाश वेतन, मासिक विशिष्ट एलाउन्स/वेतन, महंगाई भत्ता तथा अन्य अतिरिक्त भत्ता यह देय होगा जो उसे अवकाश के दिनों में एक मास/30 दिन/15 दिन का अर्जित अवकाश वास्तविक रूप से उपभोग करने की स्थिति में अनुमन्य होता किन्तु उसे कोई अवकाश विरोधी भत्ता सम्बन्धित अवकाश की अवधि के लिये देय न होगा। [illegible] अतिरिक्त कार्य से देय होंगी और उसमें से भविष्य निधि, अग्रिम, अवकाश नियमों, सहकारी समितियों के देय शुल्क के भुगतान में कोई कटौती नहीं की जायेगी।

(6) अंशतः वेतन पर अवकाश/अर्जित अवकाश संचित करने के लिए सरकारी सेवकों को अर्जित अवकाश के सम्पूर्ण को स्थगित करने के लिये स्वतन्त्र होंगे। अर्जित अवकाश के सम्पूर्ण के लिये [illegible] आवेदन-पत्र में (अनिवार्य वर्णन) देने होंगे। [illegible] सरकारी सेवकों से इस तथ्य का स्पष्ट उल्लेख किया जाना चाहिये कि उनके द्वारा किस दिनांक को अवकाश स्थगित किया जाना संभावित है और अवकाश उसी दिनांक को अर्जित किया जायेगा। [illegible]

[illegible] के [illegible] में से [illegible] के दिनांक को एक वर्ष/30/15 दिन का [illegible] कर दिया जाता [illegible] प्रकाशन लेखों में इस [illegible] की अभ्युक्ति [illegible] कर दी गयी [illegible] प्रकाशन [illegible] के कार्यान्वयन को गयी है।

(7) [illegible] के [illegible] की सुविधा [illegible] में केवल [illegible] [illegible] के [illegible] [illegible] में [illegible] की सुविधा [illegible] है [illegible] के इस [illegible] के [illegible] [illegible] के [illegible] में [illegible] की सुविधा [illegible] नहीं होगी।

(8) [illegible] प्रकाशन [illegible] के [illegible] किया जाने वाला [illegible] प्रकाशन/[illegible] के [illegible] [illegible] में [illegible] [illegible] के पूर्व के प्रकाशन [illegible] के [illegible] होने तो [illegible] में [illegible] [illegible] में [illegible] होगा।

(9) प्रकाशन के अभ्यर्पित की सुविधा [illegible] मामलों में [illegible] नहीं होगी जिनमें सरकारी सेवक को [illegible] नियुक्त होने में एक वर्ष/30/15 दिन से कम अवधि शेष हो।

(10) अभ्यर्पित कर्मचारियों को अभ्यर्पित प्रकाशन की अवधि के लिये प्रकाशन वेतन तथा [illegible] भुगतान प्रकाशन [illegible] के दिनांक के [illegible] बाद कर दिया जाना चाहिये। जहां तक सरकारी [illegible] कर्मचारियों का सम्बन्ध है, वे इस सम्बन्ध में भी विशेष नियम संख्या सख्या-5, भाग-1 के अनुच्छेद 240 (बी) के अधीन अधिक उसी प्रकार प्राप्त कर सकेंगे जैसा दिनांक 120 दिन तक के अधिक प्रकाशन के सम्बन्ध में कर सकते हैं। अभ्यर्पित प्रकाशन से सम्बन्धित अवधि में से किसी प्रकार की कटौती नहीं की जायेगी।

(11) यह सुविधा उन सरकारी सेवकों को भी प्राप्त होगी जो भारत [illegible] अथवा दूसरी [illegible] सरकारों में प्रतिनियुक्ति प्रकाश प्राप्त सेवा पर हों।

(12) यह सुनिश्चित करने के लिये कि अभ्यर्पित प्रकाशन के सम्बन्ध में आवश्यक [illegible] लेखों में कर दी गयी है, जहां तक अभ्यर्पित कर्मचारियों का सम्बन्ध है, अभ्यर्पित प्रकाशन से सम्बन्धित प्रकाशन वेतन के भुगतान के समय उनको लिखा सूचित करेंगे तथा उनके प्रकाशन लेखों में अभ्यर्पित प्रकाशन के सम्बन्ध में आवश्यक विवरण अंकित कर दिया जायेगा। अभ्यर्पित/प्रकाशन से सम्बन्धित/प्रकाशन वेतन भुगतान करने वाले वित्त अधिकारी द्वारा उस दिन में जिसमें प्रकाशन वेतन भुगतान किया जाय इस आशय का एक प्रमाणपत्र दिया जायेगा कि उपरोक्त प्रकार से आवश्यक प्रविष्टियां तथा सूचित की गयी प्रकाशन लेखों में कर दी गयी है।

(13) सरकारी सेवकों को यह सुविधा उपलब्ध होगी कि यदि वे चाहें तो इस प्रकार से अभ्यर्पित किये हुए प्रकाशन के सम्बन्ध में प्राप्त धन को अपने भविष्य निधि के खाते में जमा कर दें परन्तु जहां सम्बन्धित भविष्य निधि [illegible] प्रकृति की होगी वहां इस जमा पर किसी प्रकार के सरकारी अंशदान का हक नहीं होगा।

2—यह आदेश दिनांक 29 सितम्बर, 1981 से प्रभावी होंगे।

सुरेन्द्र सिंह,

सचिव।

सेवा में,

समस्त विभागाध्यक्ष एवं

अधीन कार्यालयाध्यक्ष, उत्तर प्रदेश।

संख्या-सामान्य-4-1905(1)/दस-81—202-70, तद्दिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:—

(1) महालेखाकार, प्रथम तथा तृतीय, उत्तर प्रदेश, इलाहाबाद।
(2) महालेखाकार, द्वितीय, उत्तर प्रदेश, लखनऊ।
(3) सचिव, विधान सभा/विधान परिषद्, विधान भवन, लखनऊ।
(4) प्रधानाचार्य, वित्त एवं लेखा प्रशिक्षण केन्द्र, लखनऊ।
(5) सचिवालय के समस्त अनुभाग।

आज्ञा से,

राजा रत्न सिंह

उप सचिव।

Advocate

Annexure-A/2

BY SPEED POST
No.DPADI1995 20014/1609/93
Central Bureau of Investigation
Government of India,
Block No.3, C.G.O Complex,
Lodhi Road, New Delhi-110003.

Dated:

To

The Supdt. of Police,
CBI,ACB,Guwahati.

Sub: Leave encashment to Shri S.P.Singh Yadev,Inspector.

Sir,

Please refer to your W/M No.A-20/157/93/7616 dated 17.11.98 on the subject noted above.

No detail instructions regarding leave encashment to the officers of UP Police are available In Head Office. Therefore, further clarifications in this regard may be obtained from UP Govt. vide their Order No.4-488/10/20088 dated 25.8.89(copy enclosed).

It is further requested, to please intimate, if Shri S.P.Singh Yadev,Inspector has since been relieved on repatriation.

Yours faithfully,

(Dr.Tarsem Chand)
Administrative Officer(P)/CBI
New Delhi.

Encl: As above.

Attested
Advocate

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Annexure - A/3

NO. GEN-4-1022/TEN-85-205/84 dtd.
Lucknow, Dtd. 13 June 1985

OFFICE MEMO

The Undersigned is directed to state that vide Para 1(5) of office memo No. GEN-4-1905-TEN-81-202-70 dtd. 30.10.1981 for Leave Encashment for the duration, those Pay and allowances are admissible to the concerned Govt. Servant which are admissible in the event of his actually availing 30 dyas/15 days Earned Leave as on date of Leave Encashment. As per aforesaid system owing to the difference in No. of days in different months of calander year, their remains no uniformity in the rates of Leave Encashment admissible. For eg owning to 28/29 days in February Month, in case of sanction of leave encashment, one month 2 days or 1 day, in case of February being of 28 or 29 days, as the case be, equivalent of leave encashment is received. But if employee wants to utilize encashment in months of August he receives Pay equivalent to 30/31 days. In order to remove this anomaly His excellency the Governor revise aforesaid Para 1(5) of office memo as hereunder.

| Present Para 1(5) | Revised Para 1(5) |
|---|---|
| For the duration of such encashment to the Govt. servant, that leave Pay, non practicing allowance/ Pay, dearness allowance & city comparsatory allowance will be admissible, which would have been admissible to him in the event of actually availing 1 month/ 30days/15 days Earned leave, but no House Rent allowance will be admissible for the duration of leave Encashment. The amount is Payable in full and no deduction there from would be made as | For the duration of such Leave Encashment to the Govt. servant, that Leave-Pay, Non Practicing allowance / Pay Dearness allowance, City compensatory allowance, Hill Development allowance would be admissible but no H.R.A will be admissible. This amount will be Payable in full and no deduction there from would be made as regards to G.P.F. Advance House rent. Payment to cooperative Societies etc. Cash Equivalent of Leave Encashment |

Attested
Wajpai
Advocate

| | | |
|---|---|---|
| regards to G.P.F. Advance House rent, Payment to Cooperative Societies etc. | = Admissible Pay & allowance as on date / 30 | x Days of leave Encashment (30 days or 15 days as the case may be) |

3. Para 1(5) of aforesaid memo dt. 30/10/81 is amended to that extent only.

4. This order is effective from 1-4-85.

Hargovind Dabral
SPL. Secretary

To,

All Head's of Department,
and
Principal Controlling Officers
U.P.

No. General-4-1022 (I)/TEN-85-205/85 dtd.

Copy forward to following for information & necessary action.

1. Accountant General, First & Third, U.P., Allahabad.
2. Accountant General, Second U.P., Lucknow.
3. Secretary legislative Assembly/Legislative Council U.P., Lucknow.
4. Principal Finance & Accounts Training Centre, U.P., Lucknow.
5. All Sections of Secretariate.

By order
VED PRAKASH AGRAWAL Jt. Sec.

संख्या सा- 4- 1022/दस- 85- 205/84
लखनऊ, दिनांक 13 मई, 1985

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## कार्यालय-ज्ञाप

अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि कार्यालय ज्ञाप संख्या सा- 4- 1905/दस- 81- 202- 70, दिनांक 30- 10- 81 के प्रस्तर 1 (5) में निहित व्यवस्था के अनुसार अर्जित अवकाश की अवधि में [illegible] का यह अवकाश बेतन एवं अनुदान सहित देय होगा जो अध्यर्थन के दिनांक से 30 दिन/15 दिन के [illegible] उपभोग करने पर देय होगा। उपरोक्त व्यवस्था के अनुसार एक वर्ष के विभिन्न महीनों के दिनांकों [illegible] के कारण विभिन्न महीनों में अर्जित अवकाश हेतु प्राप्त होने वाली अवकाश की दशा में एक वर्ष [illegible] माह में 28/29 दिन होने के कारण 30 दिन के अधिक अवकाश का [illegible] माह के 28 या 29 दिन होने पर उनमें भी दशा हो, के अवकाश बेतन के सम्बन्ध अवकाश का [illegible] प्राप्त होता है। [illegible] यदि कोई कर्मचारी अवकाश माह में [illegible] का उपभोग करना चाहता है तो उसे एक माह के वेतन के [illegible]/31 के बराबर की [illegible] करने की अनुमति प्राप्त होती है। उपरोक्त विसंगति को दूर करने हेतु सरकार महोदय उपर्युक्त [illegible] कार्यालय ज्ञापों निम्नानुसार प्रस्तर 1 (5) को निम्नानुसार संशोधित करते हैं:--

### संशोधन प्रस्तर 1 (5)

इस प्रकार के अर्जित अवकाश की अवधि के लिये सरकारी सेवक को अवकाश वेतन, सार्वजनिक पुत्र उपयोग/वेतन, महंगाई भत्ता तथा नगर प्रतिकर भत्ता वह देय होगा जो उसे अध्यर्थन के दिनांक से एक माह/30 दिन/15 दिन का अधिक अवकाश वास्तविक रूप में उपभोग करने की स्थिति में अन्यथा अनुमन्य होता किन्तु उसे कोई मकान किराया भत्ता अर्जित अवकाश की अवधि के लिये देय न होगा। यह अवकाश सम्पूर्ण रूप से देय होगा और उसे भविष्य निधि अंशदान, मकान किराया, सहकारी समितियों के देय आदि के सम्बन्ध में कोई कटौती नहीं की जायेगी।

### संशोधित प्रस्तर 1 (5)

इस प्रकार के अर्जित अवकाश की अवधि के लिये सरकारी सेवक को अवकाश वेतन सार्वजनिक [illegible] वेतन, महंगाई भत्ता, नगर प्रतिकर भत्ता तथा [illegible] किराया भत्ता देय होगा किन्तु उसे [illegible] भत्ता [illegible] यह अवकाश सम्पूर्ण रूप से देय होगा और उसे भविष्य निधि अंशदान, मकान किराया, सहकारी समितियों के देय आदि के सम्बन्ध में कोई कटौती नहीं की जायेगी। उक्त संशोधन का [illegible] निम्न प्रकार से किया जायगा:--

| अर्जित अवकाश का [illegible] | |
|---|---|
| अध्यर्थन के दिनांक को अनुमन्य वेतन एवं भत्ते | अर्जित दिनांक [illegible] (अर्जित अवकाश [illegible] वेतन दिनांक) |

3--उपरोक्त संशोधित ज्ञाप दिनांक 30-10-81 का प्रस्तर 1 (5) इस सीमा तक संशोधित समझा जायेगा।
4--यह आदेश 1-4-85 से प्रभावी होंगे।

[illegible]
[illegible]

सेवा में,
[illegible] समस्त विभागाध्यक्ष एवं
प्रमुख कार्यालयाध्यक्ष,
उत्तर प्रदेश।

संख्या सामान्य- 4- 1022(1)/दस- 85- 205/84-लखनऊ दिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:--

1--महालेखाकार प्रथम [illegible], उ0प्र0, इलाहाबाद।
2--महालेखाकार द्वितीय, उ0प्र0, लखनऊ।
3--लोक विभाग [illegible], उ0प्र0, लखनऊ।
4--[illegible] वित्त एवं [illegible] प्रशिक्षण केन्द्र, उ0प्र0, लखनऊ।
5--[illegible] के समस्त अनुभाग।

[illegible]
[illegible]

[illegible]

पी0एस0यू0पी0--[illegible] 51 मा0 वित्त--2-7-85--(1163)--1985--12,000 (प्रो0)।

Attested
[illegible]
[illegible]

Annexure : A/4

GOVT. OF UTTAR PRADESH
FINANCE (GENERAL) SECTION - 4
NO. GEN. 4-488/TEN - 200.88
LUCKNOW, 25 August, 1989.

OFFICE MEMO

Sub : Earned Leave Encashment of Govt. Employee.

Undersigned is directed to state that presently as per conditions laid down in office memo. no. Gen-4-1905/TEN-81-202-70, dtd. 30 October, 1981 Govt. Employee receiving salary less than Rs. 1400 per mensen are entitled for 30 days and those employee receiving salary more than Rs. 1400/- per month are entitled for 15 days Earned Leave Encashment once in a calendar year.

2. As per recommendations of SAMTA SAMITY (PAY UNIFORMITY COMMITTEE) constituted by Govt. and resolution adopted by Finance (PAY COMMISSION) Section-1, and decided vide resolution no. Pay.Comm.1-1739/TEN-89-41(M)/89, dtd. 15 May 1989, revised Pay Scales are implemented for Govt. Employees w.e.f. Jan 1, 1986. Therefore his excellency the Governor under restrictions & conditions contained in Para-1 referred hereinabove, consents to enhance the prescribed salary limit of Rs. 1400/- to Rs. 2900/- P.M. w.e.f. 1/1/1986 for the admissability of 30 days Earned Leave Encahsment.

Accordinly w.e.f. 1/1/1986 Govt. Employee receiving Rs. 2900/- per month or less in revised Pay Scales are entitled for 30 days, and those receiving more than Rs. 2900/- per month are entitled for 15 days Leave Encashment in lieu of Leave not availed, once in calender year.

By order
Somdatta Tyagi
Secretary

Attested
U.K. Goswami
Advocate

33

To

All Heads of Departments; and
Principal Officers, Govt. of Uttar Pradesh

No. GEN-4-488(I)/TEN-200,88
Dtd.

Copy forwarded for information & necessary action to following.

1. Accountant General (Accounts & Entitlement) First & Second U.P., Allahabad.

2. Accountant General (Audit) First & Second U.P.

3. Secretary Legislative Assembly, Legislative Council U.P., Lucknow.

4. Prinicpal, Finance & Accounts Training Institute, Lucknow.

5. All Sections of Secretariate.

6. Bill (Pay Commission) Section 1.

By order.

Annexure: A/4

उत्तर प्रदेश शासन

वित्त (सामान्य) अनुभाग—4

संख्या सा.4—488/दस.200.88

लखनऊ, 25 अगस्त, 1989

कार्यालय ज्ञाप

विषय :—राज्य सरकारी सेवकों को उपार्जित अवकाश का नकदीकरण

उपर्युक्त विषय पर अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि सम्पोषित कार्यालय ज्ञाप संख्या सामान्य-4—1905/दस.81-202-70, दिनांक 30 अक्टूबर, 1981 में निर्धारित शर्तों के अधीन 1400 रु0 प्रतिमाह अथवा उससे कम वेतन पाने वाले सरकारी सेवकों को 30 दिन तथा ऐसे सरकारी सेवकों जिनका वेतन 1400 रु0 प्रतिमाह से अधिक है, को 15 दिन के उपार्जित अवकाश के नकदीकरण की सुविधा कैलेण्डर वर्ष में एक बार अनुमन्य है।

2—शासन द्वारा गठित समता समिति के प्रतिवेदन में की गयी संस्तुतियों के आधार पर वित्त (वेतन आयोग) अनुभाग—1 द्वारा जारी संकल्प संख्या वे0आ0-1—1739/दस.89-41(एम)/89, दिनांक 14 मई, 89 में लिये गये निर्णय के अनुसार राजकीय कर्मचारियों के लिये 1 जनवरी, 1986 से पुनरीक्षित वेतनमान लागू किये जा चुके हैं। अतः राज्यपाल महोदय उपर्युक्त पैरा—1 में संदर्भित कार्यालय ज्ञाप दिनांक 30 अक्टूबर, 1981 में उल्लिखित शर्तों एवं प्रतिबन्धों के अधीन 30 दिन से अर्जित अवकाश के नकदीकरण की अनुमन्यता हेतु 1400 रु0 प्रतिमाह की निर्धारित वेतन सीमा को दिनांक 1 जनवरी, 1986 से लागू नये वेतनमानों में 2000 रु0 प्रतिमाह निर्धारित करने की स्वीकृति प्रदान करते हैं। तदनुसार 1 जनवरी, 1986 से लागू पुनरीक्षित वेतनमानों में 2000 रु0 प्रतिमाह अथवा उससे कम वेतन पाने वाले सरकारी सेवकों को 30 दिन तथा 2000 रु0 प्रतिमाह से अधिक वेतन पाने वाले सरकारी सेवकों को 15 दिन के उपार्जित अवकाश के नकदीकरण की सुविधा कैलेण्डर वर्ष में एक बार अनुमन्य होगी।

आज्ञा से,

भूपेन्द्र त्यागी,

सचिव।

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संख्या सं.

समस्त विभागाध्यक्ष एवं

समस्त कार्यालयाध्यक्ष, उत्तर प्रदेश।

सं.या सा.4—488(1)/द.200/88 तद्दिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :—

1—महालेखाकार (लेखा एवं हकदारी) प्रथम तथा द्वितीय, उत्तर प्रदेश, इलाहाबाद।

2—महालेखाकार, लेखा एवं हकदारी प्रथम एवं द्वितीय, उत्तर प्रदेश, इलाहाबाद।

3—सचिव, वित्त (लेखा एवं वित्त नीति), उत्तर प्रदेश, लखनऊ।

4—उपाध्यक्ष, वित्त एवं लेखा परिषद, उत्तर प्रदेश, लखनऊ।

5—गार्ड फाइल।

6—वित्त (वेतन आयोग) अनुभाग।

आज्ञा से,

Attested
Uk Gupta
Advocate

 Annexure: A/5

To

The Additional Director,
CBI/EZ/Calcutta.

Through :

The Supdt. of Police
CBI/ACB/SPE
Guwahati.

Sub : Grant of Leave Encashment in Lieu of Earned Leave not availed.

Ref : 1. My Petitions dtd. 2/11/98, 12/11/98, 26/11/98.

2. Letter No. DPAD I 1999/00249/20014/1609/93 of Administrative Officer (E), CBI, New Delhi, R/W Office Memo No. GEN-4-488/TEN-200.88 dtd. 25/8/1989 of Govt. of Uttar Pradesh regarding admissibility of Leave Encashment to Govt. Employee of the State of Uttar Pradesh while serving in State, and on deputation to other State/Central Govt./or Foreign Service.

Sir,

In reference to the above, I hereby humbly submit the following for your kind consideration and necessary action :-

1. That I joined as Inspector CBI/ACB/Shillong branch on 24/9/93 on being sent on deputation by the U.P. Police.

2. That I am entitled for 30 days Earned Leave in a calander year and in the event of not availing the said leave, I am entitled to leave encashment for one month in a calander year. The said facility is available to the employee of Govt. of Uttar Pradesh even while on deputation to other States, Central Govt. Department and on Foreign assignment (copy of relevant Govt. of Uttar Pradesh order as well as its English trans - literation enclosed herewith for ready reference as Annexure-A)

3. That since my joining CBI/ACB/Shillong branch on deputation w.e.f. 24/9/93 until now, neither I was granted Earned Leave due to the excigencies of official

Contd... p/2

Attested
Wagner
Advocate

work, nor I was granted & disbursed 'Leave Encashment in lieu of Earned Leave not availed', despite my repeated pleadings personally and through petitions to the concerned in this regard.

As a result during last seven years of my service on deputation in CBI entitled me 7 months of Leave Encashment on account of 7 month of leave earned. Further during last seven years of deputation in CBI I earned 7x30 = 210 days of earned leave in my leave account, and given the fact that I was already having 120 days of Earned Leave in my account while I came on deputation thus making it now total Earned Leave as 330 days. However as per statutory provision unavailed Earned leaved accumulated beyond 300 days is treated as lapsed, thus in view of it I am not only being deprived so long of the pleasures of holidays on earned leave on account of excigencies of Govt. duty, but also I was denied my legitimate right of Leave Encashment in lieu of Earned Leave not availed and thereby I was subjected to Financial injury and harassment for the reasons best known to the concerned and understood by me too.

4. That even after receipt of the said order of Govt. of Uttar Pradesh alongwith letter of Administrative Officer (E)/CBI, New Delhi (Annexure-A) by Supdt. of Police CBI/ACB/Guwahati in January 1998 itself clearly stipulating the guidelines for grant of Leave Encashment and also that the said facility is admissible to the Govt. of U.P. employees on deputation to other state and Central Govt. department/Foreign services etc. and despite submitting the English translitration of the said G.O of Govt. of Uttar Pradesh by me, as also explaining personally the whole text of the said G.O. to present SP/CBI Sri Om Prakash and the than Head Asst./Accountant Sri D.K. Dutta, I was neither granted Leave Encashment in the calander years subsequently to the receipt of the said letter/G.O. in 1998, nor for the years from 1993 to 1998.

Contd..... p/3

It is also note worthy that other deputationists from U.P. Police working in CBI/ACB/New Delhi viz. Sri Pawan Saxena Insp/CBI and also others working in CBI/ACB/Lucknow are regularly being granted Leave Encashment as per the provision of said order and this fact was also brought to the notice of the concerned but without avail.

5. That it seems the concerned are not in the mood to honour the said order of the Govt. of Uttar Pradesh and the letter of H.O. in this regard, and are inclined to cause me harassment and financial injury in a motivated way by neither granting me Earned Leave, nor granting Leave Encashment in Lieu of Earned Leave not availed and thereby, through deviousness, allow the earned leave to lapse, knowing fully well that my earned leaved are spillling over the statutory limt of 300 days and as such are bound to lapse.

I therefore most humbly solicit the indulgence of your benign self to examine the matter and render justice by issuing order to the concerned :-

1. To grant me Leave Encashment of 1 month EL for this calandr year immediately in order to avoid my EL being lapsed over and above the statutory provision of 300 days in my leave account.

2. To grant me Leave Encashment for other six months of Earned Leave not availed while rendering service on deputation in CBI for the rest of the six years from 1993 to 1999.

For this Act of your kindness I shall remain ever grateful.

Yours faithfully,

22/7/2K

Enclosure : As above.

(SURESH PAL SINGH YADAV)
Insp/CBI/ACB
O/o The SP/CBI/ACB/SPE
Bye Lane No. 2
R.G. Baurah Road,
Sunderpur, Guwahati-31

Copy to : Director CBI/New Delhi
For inforamtion and
necessary action.

(S.P. Singh, Insp/CBI/ACB)

Attested
Advocate