

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00476/2018

DATED THIS THE 10TH DAY OF DECEMBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

G.B. Malagatti Math
Age: 61 years,
S/o Late Basayyamala gattimath,
O/o Superintendent of Post Offices,
Gadag – 582 101
Residing at:
H.T. Kulkarni Teachers Colony,
Rajiv Gandhinagar,
Gadag – 582 101

.....Applicant

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India
Represented by Secretary,
Department of Post,
Dak Bhavan, New Delhi – 110001

2. Post Master General,
N.K. Region, Dharwad – 580 001

3. Chief Post Master General,
Karnataka Circle, Bangalore – 560 001

4. Superintendent of Post Offices,
Gadag Postal Division, Gadag – 582 101

5. General Manager (PA & F)
Karnataka Circle,
At Bangalore GPO premises,
Bangalore – 560 001

.....Respondents

(By Shri B.G. Vijayakumaraswamy, Counsel for the Respondents)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

This matter is squarely covered by the decision in Justice Malimath's case by the Hon'ble Apex Court. Leave encashment is a right granted to an employee once in a lifetime. Even if he had jumped over from one job to another one, the entirety of the leave benefit will go along with it but then once having been availed of, he can, if possible, get remainder of what remains. In this case, the applicant had availed of 291 days in his earlier career in the Army therefore what he will get in the new career is only 9 days. Shri P. Kamalesan, learned counsel for the applicant, would say that others have been treated differently. If they had been treated differently, it is illegal and the respondents will be answerable for that at one time or other. This is made clear.

2. Even in cases wherein the applicants have joined under the twin proviso and not been granted pay protection of the earlier career and joined as a new recruit even then also the same matrix will apply as leave encashment is only once in a service career. He will have a total of 300 days available to his credit. If it crosses, then it will be to his disadvantage. This is made clear. The OA lacks merit.

3. The OA is dismissed. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No.170/00476/2018

Annexure-A1: Copy of the SSPO letter dated 04.11.2008
Annexure-A2: Copy of the SSPO letter dated 13.07.2017
Annexure-A3: Copy of the representation of the applicant dated 10.11.2017
Annexure-A4: Copy of the representation dated 04.12.2017
Annexure-A5: Copy of the SSPO letter dated 11.12.2017
Annexure-A6: Copy of the SSPO letter dated 12.12.2017
Annexure-A7: Copy of the PMG letter dated 17.01.2018
Annexure-A8: Copy of the representation dated 25.01.2018
Annexure-A9: Copy of the SSPO letter dated 20.02.2018
Annexure-A10: Copy of the representation dated 03.03.2018
Annexure-A11: Copy of the letter dated 20/21.03.2018
Annexure-A12: Copy of the representation dated 04.04.2018
Annexure-A13: Copy of the Army Air defence records dated 28.11.2017
Annexure-A14: Copy of the relevant CCS leave rules 1972
Annexure-A15: Copy of the DoPT OM dated 27.06.2017
Annexure-A16: Copy of the RTI information regarding leave encashment of similarly situated employees

Annexures with reply statement

Annexure-R1: Copy of the extract of Swamy's leave rules
Annexure-R2: Copy of the letter dated 28.11.2017
Annexure-R3: Copy of the letter dated 13.02.2018
