

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 021/635/2017

Date of Order: 19.12.2018

Between:

S. Sundaramma, W/o. Seva Benjamin Raju,
Aged about 55 years, Occ: Junior Works Manager,
O/o. GST Section, Ordnance Factory, Medak District,
R/o. Flat No. 302, Block-2, RVSS Madhav Brundavan Apartments,
Chandanagar, Hyderabad – 500 050.

...Applicant

And

1. Union of India, Rep. by its Secretary (DP),
Department of Defence Production,
South Block, New Delhi -110 011.

2. The Chairman,
Ordnance Factory Board,
10-A, S.K. Bose Road,
Kolkata, West Bengal – 700 001.

3. The General Manager,
Ordnance Factory, Yeddumailaram,
Medak District, T.S. – 502 205.

...Respondents

Counsel for the Applicant ... Mr. Aravind, Advocate for
Mr. N. Ramesh

Counsel for the Respondents ... Mr.L. Pranathi Reddy, Addl. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar ... ***Member (Admn.)***

ORAL ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

The OA is filed for rejecting the claim of the applicant for counting the study leave period to grant increment.

2. Brief facts of the case are that the applicant is working as Junior Works Manager in the 3rd respondent organization. The applicant while working as

Assistant has gone on study leave w.e.f. 09.03.2006 to 14.08.2006 for a period of six months for pursuing specialized course in I.T. with the permission of the higher authorities. As she has gone leave for six months, the respondents have postponed her increment due on 01.08.2006. Aggrieved over the same, the OA has been filed.

3. The contention of the applicant is that she has gone on study leave after taking permission of the respondents and therefore she is eligible for increment on time. Further, her pursuing higher education is useful to the organization, as has been stated by the learned counsel for the applicant. The action of the respondents in not granting increment in time is therefore illegal and arbitrary.

4. The respondents informed that it is a fact that the applicant has been given permission to pursue higher studies. There is no dispute on this front. The applicant was given earned leave for 21 days, half pay leave for 24 days and extraordinary leave for 159 to pursue higher studies. However, she was not granted study leave. As the applicant has proceeded to pursue higher studies by applying for leave and in particular, extraordinary leave the increment as per rules got postponed. Postponement of increment was effected as per FR 26(b)(ii).

5. Heard both the learned counsel and went through the documents submitted.

6. Thus, from facts, it is evident that the applicant was not granted any study leave. In the absence of study leave being granted and in the context of the applicant going on extraordinary ordinary leave, the FR 26(b)(ii) operates. As a result of which, the increment to the applicant naturally gets postponed.

Therefore, the facts clearly are not in favour of the claim of the applicant. Hence, this Tribunal does not find any merit in the case.

7. Therefore, the OA is dismissed with no order as to costs. However, if the applicant still has any other new facts to contest her claim, the Tribunal gives an opportunity to file a fresh OA.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

Dated, the 19th day of November, 2018

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