

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

Original Application No. 20/351/2016

Date of Order: 07.03.2019

Between:

Syed Baleshahe, S/o. S C Jani Saheb,
Aged about 55 years, Occ: Designated Postal Assistant,
Avanigadda HO, Avanigadda, Andhra Pradesh – 521 121.

... Applicant

And

1. Union of India, Rep. by its
Director of Postal Services,
A.P. Eastern Region, Vijayawada – 520 003.
2. The Superintendent of Post Offices,
Machilipatnam Division,
Machilipatnam-521 001.

... Respondents

Counsel for the Applicant ... Mr. B. Pavan Kumar, Advocate for

Dr. A. Raghu Kumar

Counsel for the Respondents ... Mrs. B. Gayatri Varma, Sr. PC for CG

CORAM:

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

ORAL ORDER

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

2. OA is filed for non-grant of LTC advance and for not permitting encashment of 10 days earned leave.
3. Applicant working for the respondents organisation applied for LTC advance and encashment of 10 days of earned leave on 4.3.2016 to travel to Shimla on 2.5.2016 for the block year 2014-17 for self, wife and mother. LTC advance of Rs.8000 was granted for two members covering the travel of his mother and wife. Encashment of leave was declined as the applicant was under

suspension. Applicant made an appeal to the 1st respondent which is yet to be disposed. Hence for resolution of the grievance, OA has been filed.

4. The contentions of the applicant are that he has not availed LTC for the last 25 years and therefore, he is eligible for full LTC advance and associated leave encashment. There is abundant earned leave at his credit. This Tribunal has quashed the suspension orders and the charge sheet issued in OA 1535/2013 and OA 947/2014 vide orders dt 11.7.2014 and 27.8.2014 respectively on noticing procedural irregularities.

5. Respondents inform that the applicant was placed under suspension on 16.11.2013 on grounds of absconding from duty, locking the post office disabling it from offering public services, evading departmental inquiry, causing security issues to the judiciary, deficiency in providing services to the members of the bar association and the judiciary and for causing problems to the women postal agents. Applicant filed OA 1535/2013 against his suspension and the same was set aside by the Tribunal. Hon'ble High Court for the State of Telangana and for the State of A.P was approached in WP No.33612/2014 against the order of Tribunal. Hon'ble High Court granted interim stay on 11.11.2014. As a result of the stay granted suspension of the applicant continued. It is being reviewed by the competent committee and extended from time to time. Charge Memo under Rule 14 of CCS (CCA) Rules, 1965 issued to the applicant was set aside by this Tribunal in OA 458/2014 for procedural lapses but left it open to proceed against the applicant as per rules. Hence another Rule 14 charge sheet was issued on 28.4.2016 which is pending. As per rules, applicant being under suspension is not eligible for LTC and encashment of earned leave and hence the same were not granted to him.

6. Heard both the counsel. Perused the documents and material papers submitted. Learned counsel for the applicant argued vehemently that though the applicant is eligible for grant of LTC advance and encashment of earned leave, respondents denied the same to harass the applicant. LTC is a welfare measure and should not be denied is one another submission of the 1st counsel for the applicant. With equal force it was countered by the learned counsel for the respondents stating that rules have been followed in rejecting the claim.

7. Applicant applied for LTC advance and encashment of leave to travel to Shimla on LTC while being under suspension for self and 2 of his family members. The LTC advance was refused for the applicant but his family members were granted advance. Applicant was also granted permission to leave head quarters to travel to Shimla on LTC. Besides, he was refused encashment of earned leave as requested. An appeal was preferred to the Director of Postal Services but before it could be examined and decided applicant filed the present OA. Applicant prayed for interim suspension of orders issued by the respondents refusing to grant him LTC advance and permit encashment of earned leave. Tribunal declined to issue interim order as prayed for. In this context a reference to the relevant rule would help in resolving the dispute. Rule 7 of CCS (LTC) Rules 1988 which is statutory in nature states as under:

“A Govt. servant under suspension cannot avail of LTC as he cannot get any leave including casual leave during the period of suspension. As he continues to be in service during the period of suspension, members of his family are entitled to LTC.”

As per the said rule the applicant was not granted LTC advance for self and nor permitted to encash 10 days of earned rule. However, his family members were granted LTC advance following the rule. LTC definitely a welfare measure. However, it has to be availed as per rules on the subject.

Respondents have followed the relevant rule and we do not find any infirmity in the same. The applicant is not eligible for the relief sought as per rules. Hence there is no merit in the case to intervene. Therefore the OA is dismissed with no order as to costs.

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

Dated, the 7th day of March, 2019

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