
(2009) 03 AHC CK 0132

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 22726 of 2007

Mahaveer Singh

APPELLANT

Vs

State of U.P.And Others

RESPONDENT

Date of Decision : 16-03-2009

Acts Referred:

Citation : (2009) 03 AHC CK 0132

Hon'ble Judges : S.U.Khan, J

Final Decision : Dismissed

Judgement

S.U. Khan, J.—Heard learned counsel for the parties.

2. The question involved in this petition is as to whether teachers of Government Colleges are entitled to 31 days earned leave as is admissible to other U.P. Government Employees or only to one day's earned leave on the ground that teachers are granted long leaves (in the form of summer vacation). Petitioner

retired as Headmaster from Rajkiya Adarsh Vidyalaya Baraut, district Baghpat after completing qualifying service on 30.6.2004. Petitioner claims that 201 days earned leave was due to him and it should have been encashed. Initially an order was passed in favour of the petitioner on 26.7.2004 by District B.S.A., Baghpat which is contained in Annexure 3 to the writ petition. Bill was also sent. However, Finance and Accounts Officer Basic Education Meerut objected to the payment.

3. Earlier also petitioner had filed writ petition No. 47029 of 2006 which was disposed of on 29.8.2006 directing Finance and Accounts Officer Basic Education Meerut to decide the matter. Thereafter Finance and Accounts Officer Meerut decided the matter against the petitioner on 4.11.2006. True copy of the said order is Annexure 9A to the writ petition which has been challenged through this writ petition. In the impugned order it is mentioned that initially other Government employees were entitled to 33 days' earned leave and Government school/college teachers to 3 day's earned leave but since 198283 Govt. employees are entitled to 31 days earned leave and teachers of Government

schools/colleges to one days earned leave.

4. Learned Standing Counsel has supplied copy of leave rule provided under Finance Rules Volume II part 2 to 4. An order sent by Director of Education to all D.I.O.S., B.S.A. has also been supplied. In the said order dated 27.8.1984 it has been mentioned that non Government recognised school teachers are entitled to the same earned leave as teachers of Government Colleges and Schools. It has been mentioned that they would be entitled to 3 days earned leave as 30 days are to be deducted for long leaves. Similarly in the Financial Hand Book it is provided that for teachers 30 days are to be deducted from the permissible earned leave applicable to other Government employees. The provisions of deduction of 30 days from the earned leave of teachers is provided under Fundamental Rule 81 B Subsidiary Rule 157A(1) of Financial Hand Book Volume II Part 2 to 54. Fundamental Rule 81B(1)(XI)(a) is quoted below:

"in the case of a Government servant serving in a vacation department:

(a) the period of earned leave admissible to him shall be reduced by thirty days for each year of duty in which he avails himself of the full vacation."

5. In view of the above no fault can be found with the impugned order. Petitioner and other teachers of Government schools/colleges or of recognised schools/colleges are not entitled to more than one day earned leave since 1982/83 in a year and not more than three days earned leave, prior to that. 31 or 33 days earned leave is not permissible to the teachers.

6. Accordingly, writ petition is dismissed.