

14

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1995 of 1997

New Delhi, dated this the 13th August, 1998.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Shri Chanan Singh,
S/o Shri Alla Singh,
R/o Flat No. 145, Pocket A3,
Sector-8, Rohini,
Delhi. APPLICANT

(By Advocate: Shri V.K. Rao)

Versus

1. General Manager,
Northern Railway, Baroda House,
New Delhi-110001.

2. The Divl. Railway Manager,
Ambala Cantt,
Ambala. RESPONDENTS

(By Advocate: Shri R.L. Dhawan)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A).

Applicant seeks a direction to respondents to pay him the dues listed in Ann. A to the O.A. These dues claimed by applicant cover a period from 1961 to 30.4.85, **and include 16 items.**

2. I have heard applicant's counsel Shri Rao and respondents' counsel Shri Dhawan.

3. Applicant had earlier filed O.A. No. 557/95 regarding non-payment of retiral and other dues which was disposed of by order dated 6.5.96. Thereupon he filed C.P. No. 252/96 alleging contumacious non-compliance of those directions, which was disposed of by order dated 3.2.97. That order records the submissions made by applicant's counsel that all the applicant's dues had been

paid to him, and the only dues which remained to be paid was 14 days leave encashment. That C.P. was disposed of with the direction that if applicant made a representation to respondents in regard to the aforementioned dues relating to leave encashment, respondents were to take a decision on the same and inform the applicant, and if respondents were satisfied that the amount was due they were to release the same to applicant within three weeks of receipt of his representation. Nothing has been shown to me to suggest that the aforesaid order dated 3.2.97 has not become final.

4. Respondents have taken a decision in this regard and informed applicant *vide* letter of June, 1997 (Annexure-R2) that no amount was due to his favour on account of leave encashment. Although this OA was filed on 27.8.97, the aforesaid letter has not been ^{specifically} ~~specifically~~ impugned.

5. In view of applicant's counsel own statement recorded by the Bench in its order dated 3.2.97 in C.P.No.252/96 arising out of OA No.557/95, that applicant had received all dues, and the only due which remained was 14 days leave encashment, in regard to which respondents have already apprised applicant of the position *vide* letter of June, 1997 (Annexure-R2), which statement at no stage has been repudiated, it is clear that the claims now advanced in the OA are not tenable.

6. The OA is dismissed. No costs.

Infra
(S.R.ADIGE)
VICE CHAIRMAN (A).