

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.1087/2020

Today this the 19th day of August, 2020

Through video conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

K L Dhanak, Ex PS to Member of SC Commission,
Age 70 years, Group ..
s/o late Shri Gyarsilal, r/o 9, Vasant Apartment
Mayur Vihar, Phase I Ext.
Delhi – 91

..Applicant

(Mr. B C Nagar, Advocate)

Versus

1. Union of India through the Chairperson
National Commission for Scheduled Caste,
Vth Floor, Loknayak Bhawan, Khan Market
New Delhi – 110 003

2. Secretary, National Commission for Schedule Caste,
Vth Floor, Loknayak Bhawan, Khan Market
New Delhi – 110 003

..Respondents

(Mr. S M Zulfiqar Alam, Advocate)

Order (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant served as Private Secretary to a Member of the National Commission for Scheduled Castes between May, 2007 and 26.05.2010. When he was not paid the salary and other benefits, referable to that period, he filed O.A. No.3555/2011, and it was disposed of. In compliance to that, the respondents issued letter dated 28.11.2011, for payment of salary and allowances from 01.02.2009 to 01.06.2010. The applicant contends that the leave encashment for the period from May, 2007 to May, 2010 has not yet been released. It is stated that several representations were made in this behalf and ultimately, the present O.A. is filed with a prayer to direct the respondents to release the leave encashment for the period between May, 2007 to 26.05.2010.

2. We heard Mr. B C Nagar, learned counsel for applicant and Mr. S M Zulfiqar Alam, learned counsel for respondents, at the stage of admission.

3. The applicant was not in a regular service. He did not hold any civil post for any considerable period. He worked as a Private Secretary to a Member of the National Commission for Scheduled Castes. His tenure itself was coterminous with the term of the member. The applicant filed O.A. No.3555/2011, complaining that certain emoluments and other benefits

were not paid to him. In compliance of the order passed in the said O.A., the respondents have released the salary and allowances from 01.04.2009 to 26.05.2010. In case the applicant was of the view that any further amount was due to him, he was expected to file a contempt case or execution petition in O.A.No.3555/2011. Further when the salary itself was paid from 01.04.2009 to 26.05.2010, it is un-understandable as to how the applicant can claim the leave encashment from May, 2007 to May 2010. At any rate, we cannot entertain the claim of the applicant, which is more than 10 years old.

4. The O.A. is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/vandana/sunil