



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

**CP No. 168/2020
in
O.A. No. 3272/2019**

This the 18th day of November, 2020

(Through Video Conferencing)

**Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Sh Prem Pal
S/o Sh. Ram Prakash,
Age about 62 Year
Retd as Guard
R/o=C/o Bhagwat Prasad,
House No. 180, Uttam Nagar,
Delhi- 110059

...Petitioner

(By Advocate: Manjeet Singh Reen)

VERSUS

Ministry of Railways & Others: through

1. Sh. Rajiv Chaudhary,
General Manager,
Northern Railway,
Baroda House,
New Delhi
2. Shri Tarun Prakash
Divisional Railway Manager,
Northern Railway,
Moradabad Division,
Moradabad (U.P)

..Respondents

(By Advocate: Krishna Kant Sharma)

ORDER (Oral)



Hon'ble Mr. R. N. Singh, Member (J):

The aforesaid OA was disposed of with the following directions :-

“2. The applicant, Mr Prem Pal, retired as guard under Respondent no. 2 Divisional Manager Northern Railway, Moradabad. He has claimed that calculation of his leave is incorrect and he is entitled to encashment which he has not got. To this effect, he has given several representations last of which was on 16.09.2019. The respondents have passed an order on 26.12.2018, in which they have stated that leave of 300 days was not accumulated. Respondents are directed to get the leave record re-checked by the competent person within a period of three months and in case any leave has been found due for which encashment has not already been given, encashment may be done. OA is disposed of at the admission stage itself. No costs.”

2. Alleging defiance of the directions of this Tribunal in the aforesaid OA, the present CP has been filed by the petitioner.

3. Pursuant to the notice from this Tribunal, the respondents have filed compliance affidavit dated 06.11.2020, enclosing therewith an order dated 26.06.2020 (Annexure R-1). The last paragraph of the said order dated 26.06.2020, reads as under:-



"xxx xxx xxx

In compliance of above order, your representation dated 16.09.2019 has been examined by the competent authority along with all leave record and found that in your leave account only 21 LAP & 36 HLAP were accrued as leave due and accordingly an amount of Rs. 82256/- was paid to you. Your alleged allegation that leave of 300 days were accumulated for payment is not tenable. The due payment has already been made to you. The impugned leave record is enclosed herewith for your satisfaction.

Keeping in view of above your representation dated 16.09.2019 has been disposed of."

4. Learned counsel for the petitioner, Sh. Manjeet Singh Reen, submits that the respondents have not supplied a copy of the leave record to the petitioner though they have claimed that the same is stated to have been enclosed therein in the said order dated 26.06.2020.
5. Learned counsel for the respondents, Sh. Krishna Kant Sharma, submits that the respondents shall supply a copy of the aforesaid leave record, referred to in the order dated 26.06.2020 to the petitioner positively within three weeks from today.
6. In view of the aforesaid, the present CP is closed. Notices issued to the respondents are discharged. However, the petitioner will be at liberty to revive the present CP by



way of an application therefor in case the respondents failed and neglect to supply a copy of the leave record to the petitioner within the time given herein.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

/ravi/pinky/akshaya/

