

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 040/00153/2020

Date of Order: This, the 14th day of August 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)



Shri Mukul Kumar Das
 Son of Late Amulya Prasad Das
 Retired Superintendent
 Office of the Senior Divisional Electrical
 Engineer, N.F. Railway, Panbazar
 Guwahati – 781001, Assam.

...Applicant

By Advocates: Sri Adil Ahmed & Smt. D. Goswami

-Versus-

1. The Northeast Frontier Railway
 Represented by the General Manager
 Maligaon, Guwahati, Pin – 781011.
2. The Principal Chief Personnel Officer
 Headquarter N.F. Railway
 Maligaon, Guwahati, Pin – 781011.
3. The Senior Divisional Electrical Engineer
 N.F. Railway, Guwahati Division
 P.O. – Panbazar, Pin – 781001.

...Respondents.

ORDER (ORAL)**MANJULA DAS, MEMBER (J)**

In this O.A., applicant is asking for a direction upon the respondent authorities more particularly respondent Nos. 2 & 3 to grant and sanction the due Commutated leave from 26.03.2018 to 23.06.2018 (Ninety days) and Leave Average Pay (LAP) from 24.06.2018 to 23.10.2018 (One Hundred Twenty Two days) by releasing his due leave payment forthwith.



2. Sri Adil Ahmed, learned counsel appearing on behalf of the applicant submits that in-spite of repeated request for sanctioning of the aforesaid leaves along with submission of the requisite documents, nothing has been done by the respondent authorities over the matter. According to Sri Ahmed, the respondent authorities are adopting the delaying tactics only to harass the applicant by not sanctioning his due Leaves.

3. Sri Ahmed has brought out the notice of the court to the para 4.9 of the O.A. and submits that being aggrieved for non-sanctioning of his due Commutated Leave and Leave Average Pay, the applicant submitted an application on 21.02.2019 before the

Senior Divisional Electrical Engineer, N.F. Railway, Panbazar, Guwahati (Respondent No. 3) through Proper Channel for grant and sanction of the said leave periods as well as for arranging payment of aforesaid periods. But till date, nothing has been done by the respondent No. 3. Thus, learned counsel prays for intervention of this court to settle the issue forthwith.



4. We have heard the learned counsel for the applicant, perused the papers and the documents enclosed in the OA. In the present case, the applicant, who retired from service, is claiming to grant and sanction the due Commutated Leave from 26.03.2018 to 23.06.2018 and Leave Average Pay from 24.06.2018 to 23.10.2018 by releasing his due leave payment. To this effect, he had submitted an application on 21.02.2019 before the respondent No. 3. More than one and half year has since been elapsed, respondent No. 3 has neither redressed the grievance of the applicant nor disposed of the said application dated 21.02.2019.

5. Keeping in view of the above, with the consent of the learned counsel for the applicant and without going into the merit of the case as well as without issuing notice upon the respondents, I hereby direct the

respondent No. 3 i.e. the Senior Divisional Electrical Engineer, N.F. Railway, Panbazar, Guwahati to dispose of the pending representation dated 21.02.2019, within a period of one months' from the date of receipt of a copy of this order.



6. It is made clear that whatever decision to be passed by the respondent No. 3 should be a reasoned and speaking and the same shall be communicated to the applicant forthwith. Further, if admissible as per law, payment as claimed by the applicant, should be made immediately.

7. With the above direction, O.A. stands disposed of accordingly at the admission stage.

8. There shall be no order as to costs.

(MANJULA DAS)
MEMBER (J)