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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI
.....

O.A.No.2578/91.

Date:12.3.1992.

Shri O.P.Sharma

...Applicant

Versus

Union of India & Others

...Respondents

CORAM:

THE HON'BLE MR. JUSTICE RAM PAL SINGH, VICE-CHAIRMAN.
THE HON'BLE MR. I.P.GUPTA, MEMBER(A).

Shri S.C.Luthra

...Counsel for the
Applicant.

Shri M.L.Verma

...Counsel for the
Respondents.

JUDGMENT (ORAL)

(Delivered by Hon'ble Mr. I.P.Gupta, Member(A))
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Both the counsel were heard finally.

2. In this application, the applicant sought voluntary retirement from Govt. service from 31-12-87. His grievances are against non-payment of certain dues such as salary for the month of December, 87; bonus on pro-rata basis for 9 months from 1-4-87 to 31-12-87; arrears on account of increase in CCA from 1-1-86 to 31-12-87^{and} short payment in regard to leave encashment; ~~and short payment with due interest.~~
The case of the respondents is that the applicant had drawn LTC advance of Rs.1350/- on 7-8-86 and this advance still remains to be settled. Further, according to the respondents, he submitted his claim

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for settlement of LTC advance on 20-12-87 only and the administrative authority who was not satisfied with the claim directed the applicant to submit the proof of journey. Instead of submitting the proof, he submitted a representation on 24-5-88. Regarding short payment of leave encashment on retirement, the case of the respondents is that the applicant used to come late on several days and he was asked on those days to apply for leave but he did not apply and the period was treated as Earned Leave/HPL etc. and accordingly adjustments were made.

3. Regarding bonus, the case of the respondents is that the applicant did not serve for the full year and for serving for 9 months, bonus cannot be claimed as of right but can only be considered, as a special case for 15 days. The applicant is also continuing in the Govt.'s quarter.

4. We shall take up the question of leave first. When the applicant used to come late, it was definitely a misconduct and it was open to the respondents to take action against the applicant for such misconduct by giving him reasonable opportunity according to rules. For the days the applicant came late, the respondents cannot suo moto grant leave without any application for leave. The learned counsel for the applicant mentioned that the applicant had never applied for leave. This matter was also mentioned by the Audit. Since the applicant has already retired, and since no action for misconduct, ~~was taken nor any chargesheet given for misconduct, there can~~ ~~any misconduct, can be taken now under the Pension Rules and since this will~~ hardly be a case for

was taken nor any chargesheet given for misconduct, there can

recovery from pension, the period for which the late coming has been treated as Earned Leave/HPL etc. should be treated as duty and paid for accordingly. The leave encashment should also be accordingly rectified and the balance payable to him/should be paid within 3 months from the date of receipt of this Order.

5. Regarding LTC, the learned counsel for the applicant has drawn our attention to a letter dated 9-10-86 (Annexure R-1) whereby he submitted his claim which was received in the office on 9-10-86. The applicant has also enclosed photocopy of a receipt from Vaishno Sewa Sangh of Rawalpindi Trust regarding some donation. Whatever the case might be, since the applicant has submitted his claim which is now more than 5 years old, it should be settled within a period of 3 months from the date of receipt of a copy of this Order and after such settlement should pay the dues of the applicant in regard to his salary for December, 87 and the arrears of CCA. While making such adjustment, the respondents can also look to the payments of rent of the Government accommodation occupied by him and settle the matter regarding rent payment according to rules and if any rent is outstanding, adjustments should be made while paying his dues.

7. Regarding bonus, we refrain from passing

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any order since it is for the respondents to consider whether it would be a special case for grant of such bonus for having served for only 9 months and not for the full year.

8. The retention of the Govt. quarter was not pressed by the learned counsel for the applicant.

9. With the above directions, the application is disposed of with no order as to costs.

/PKK/

I.P. Gupta
(I.P. GUPTA)
MEMBER (A)

Ram Pal Singh 12.3.92
(RAM PAL SINGH)
VICE-CHAIRMAN.

March 12, 1992.