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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A No. 2532/2004

New Delhi this the 14th day of September, 2005

Hon'ble Mrs. Meera Chhibber, Member (J)

L.N. Yadav
S/o Shri B.R. Yadav,
Vill & PO : Kapa Shera,
House No. 820,
New Delhi-37.

Applicant.

(By Advocate Shri Khairati Lal)

Versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. Divisional Accounts Officer,
Northern Railway,
DRM Office,
New Delhi.
4. Divisional Railway Manager,
Northern Railway,
Bikaner.

Respondents.

(By Advocate Shri Shailendra Tiwari for Respondents 1 & 4 and Shri Satpal for
respondents 2 and 3)

O R D E R (ORAL)

By this O.A., applicant has sought directions to the respondents to make payment of Rs.300/- as security deposit, Rs.100/- as medical allowance, payment of leave encashment for 143 days, payment of medical leave already granted by the competent authority for 96 days or any other relief which this Tribunal may deem fit in the circumstances of the case.



2. It is submitted by the applicant that he retired in December, 2002 and even though the Divisional Railway Manager had already directed the Divisional Accounts Officer vide his order dated 28.7.2004 to release the payment of Rs.300/-, which was deposited by the applicant as security as his pass book No. 1011018 has already been deposited (page 8) yet the said amount has not been released to the applicant. He further invited my attention to order dated 28.8.2000 whereby the competent authority had sanctioned leave to the applicant from 7.5.1997 to 30.6.1997 and 26.11.1997 to 5.1.1998 but in spite of that he has not been given payment for the said 96 days. Counsel for the applicant also submitted that applicant is entitled to get medical allowance as per Railway Board's letter dated 1.3.2004 (page 8) and even though he has given his undertaking also, as required by the respondents vide their letter dated 9.12.2004 but till date the same has not been given to him. He further submitted that he served the Department for 40 years but he has only been paid leave encashment for 157 days whereas he is due to get leave encashment for 143 more days.

3. O.A. is opposed by the respondents who have submitted that applicant was initially appointed in Northern Railway, Delhi Division w.e.f. 17.1.1963. Later on, he was promoted as Deputy Station Superintendent in the grade of Rs.6500-10500 at Jita Kheri Station. He retired on 31.12.2002 as Deputy Station Superintendent from Jatusana Station. Pursuant to the letter written by the DRM, New Delhi, a letter was written to the applicant to contact Divisional Accounts Officer, New Delhi so that the aforesaid security amount may be released to him but he has not contacted the Divisional Accounts Officer till date. In case he contacts the Divisional Accounts Officer, the money can be released.

4. After hearing counsel for the parties, I consider that this O.A. can be disposed of with the following directions:

- (i) Since the respondents have admitted that amount of Rs.300/- is payable to the applicant, therefore, applicant is directed to report to



the Divisional Accounts Officer, New Delhi, on 26.9.2005 at 11 A.M. in DRM Office, New Delhi so that the Divisional Accounts Officer may release the amount to the applicant on said date;

- (ii) As far as leave encashment is concerned, respondents have stated that he has already been paid an amount of Rs. 73,978/- vide AB No. PEN.1794 dated 18.2.2003 and no other leave is available in his account. Respondents have shown the original records to me wherein his leave account was maintained. After seeing the records, I am satisfied that no further payment is required to be made to the applicant on account of leave encashment.
- (iii) As far as medical allowance is concerned, it is stated by the respondents that in the PPO applicant had given his address as follows:

“Shri L.N. Yadav S/o Shri Budh Ram,
Gali No.3, Vikash Nagar, Budhpur Road,
Rewari, Haryana”

whereas in the application for medical allowance a different address has been given with oblique motive to get undue advantage from the Department. They have explained that if the residence of an employee or his family is beyond 2.5 KM from the nearest Railway Hospital, he is entitled to get fixed medical allowance @ Rs.100/- per month but since the address which was given by the applicant in the PPO is not beyond 2.5 KM from the nearest Railway Hospital, applicant is not entitled to get any medical allowance whereas counsel for the applicant submitted that he has since changed his address and is living with his children at the address which has been given by him in the undertaking form and he is permitted to change his address once as per Railway Board's letter dated 15.7.2002, copy of the same is taken on record. When counsel for the respondents was confronted with



this letter, he submitted that applicant has not given any supporting documents to substantiate his claim regarding his shifting from Rewari to the address as given in the undertaking form. It is seen that vide letter dated 9.12.2004, respondents have already given a letter to the applicant calling upon him to fill up the undertaking form so that further action may be taken on his request, pursuant to which applicant has already given his undertaking. In case applicant has not given any supporting document, he is given liberty to place the same on record within a period of two weeks from the date of receipt of copy of this order. In case applicant submits sufficient proof for change of his residence, the respondents shall decide his request for medical allowance in accordance with the rules within a period of four weeks thereafter by passing a reasoned and speaking order in case the request is to be rejected. However, if his claim is found to be valid, the payment shall be made to the applicant on that account within a period of three months from the date it becomes due in law.

(iv) As far as payment of 96 days is concerned, it is seen that the respondents have already treated the period as leave sanctioned in the records and for such period they have already given salary to the applicant. Counsel for the applicant could not show us as to how he is still entitled to get more money other than the salary for the period his leave has been sanctioned by the competent authority. After all, if leave is commuted on medical grounds, at best a person becomes entitled to get salary for the said period. It is not stated by the applicant any where in the OA that he has been denied salary for the period from 7.5.1997 to 30.6.1997 and 26.11.1997 to 5.1.1998. Therefore, the relief as prayed by the applicant cannot be granted. However, if applicant can show from



the records available with him that he had not been paid salary for the period from 7.5.1997 to 30.6.1997 and 26.11.1997 to 5.1.1998, it shall be open to the applicant to make a representation to the authorities concerned by placing all those documents on record and to claim salary for the said period. In case applicant makes such a representation within a period of six weeks from the date of receipt of copy of this order, the same shall be decided by the respondents within three months thereafter, by passing a reasoned and speaking order under intimation to the applicant.

5. With the above directions, this O.A. stands disposed of. No order as to costs.



14/9/05
(Meera Chhibber)
Member(J)

'SRD'