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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No. 1829/93. ¹⁸NEW DELHI 17.2.95

Om Parkash,
s/o Shri Jawala Dass,
r/o O-4-C, Banda Bahadur Apts.,
Sector No.14, Plot No.11/1,
Rohini,
New Delhi

.....Applicant.

By Advocate Shri Sant Singh.

Versus

General Manager,
Northern Railway,
Baroda House,
New Delhi- 110 001

.....Respondent

By Advocate Shri R.L.Dhawan.

HON'BLE MR. S.R.ADIGE, MEMBER (A).

The facts of this case lie within a narrow compass. The applicant Shri Om Prakash ~~claims~~^{ad} claims the leave encashment benefits for 231 days of earned leave while the respondents state that he is entitled only to leave encashment benefits only for 75 days earned leave which has already been paid to him.

2. The respondents state that on the date of applicant's retirement i.e. 31.7.92 only 75 days earned leave, ^{and 4} not 231 days as claimed by the applicant was at his credit in his leave account vide photocopy of leave account (Annexure-R1). They state that the leave account was checked by Personnel Inspector and vetted by accounts branch. As regards certain entries in the pay slips for February, 1991 and August, 1991 on the basis of which the applicant claimed that he had 231 days earned leave at his credit, the respondents state that the same may ^{have} occurred due to clerical mistake. The applicant's yearwise leave availed by him was checked and found that at the time of his retirement, he was left with 75 LAP. The respondents

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state that the applicant was under wrong impression that there was credit of 231 days of earned leave at the time of his retirement. In fact balance of 48 days LAP shown on the sheet was wrongly brought forward as 148 and this error was later on corrected. Shri Sant Singh for the ^{applicant} ~~respondents~~ relied upon the Railway Board's letter dated 20.8.70 regarding the maintenance and verification of leave and qualifying service for pension (Annexure-R2) which was followed by circular dated 2.1.71, wherein it has been stated that at the time of retirement/termination of service of employees, scrutiny of their leave accounts should be restricted to the last three years of their service in all cases. Shri Sant Singh reiterated that these instructions were subsequently reiterated in Railway Board's letter No.235 issue in 1985 and, therefore, the respondents had no authority to check the leave account prior to three years.

3. These circulars can, under no circumstances, be interpreted to mean that ~~the~~ bonafide mistakes which are detected later on, cannot be corrected. In SLJ 1989 (1) CAT 392, it has been held that bonafide mistake can always be corrected.

4. As the applicant had been paid leave encashment for 75 days earned leave, and no sums are sought to be recovered, the question of issue of any show cause ^{also} does not arise as is clear from the ruling in D.R.Sharma Vs. UOI-1989(11) ATC, CAT 243.

5. In the result, this application fails and is dismissed. No costs.

Indohgi
(S.R.ADIGE)
MEMBER (A)

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