

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 18TH DAY OF DECEMBER, 2000

Original Application No.347 of 1996

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

S.N.Sharma,a/a 61 years,son of  
Shri Hazari Lal,R/o 19-C behind  
District Jail, Civil Lines, Jhansi.

... Applicant

(By Adv: Shri R.K.Nigam)

Versus

1. Union of India through Genral Manager  
Central Railway, Bombay V.T.
2. Divisional Railway Manager,  
Central Railway, Jhansi.

...Respondents

(By Adv: Shri D.C.Saxena)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of A.T.Act 1985 the applicant has prayed for a direction to the respondents to pay leave encashment for the period of 174 days amounting to Rs.20,512/- together with interest @18%.

The facts in short are that applicant joined Railways as Assistant Manager in Commercial department at Jhansi. He retired on 30.11.1992 from the post of Senior Catering Inspector Jhansi in the grade of Rs.16000-2660(RPS). The grievance of the applicant is that he should have been paid leave encashment for 240 days but instead he has been paid leave encashment only for 66 days. It is also one of the grievance of the applicant as stated in para 4.7 of the application that he made a representation giving details of his leave. However, without deciding the representation of the applicant respondents negatived his claim by the impugned order dated 22.11.1995. In reply of this pararagraph in para 8 of the written statement only this much has been said that 'the averments made in para 4.7 of the claim petition call

for no comments, being matter of records'. Thus this fact has not been denied that the applicant had given a representation which ought to have been decided by a reasoned order before passing the impugned order dated 22.11.1995. The learned counsel for the applicant also submitted that in fact for <sup>position of a</sup> major leave encashment has been denied to the applicant as the respondents are not maintaining any account of the leave. He has submitted that if representation is considered by the respondents he will assist them to reconstruct the record relating to leave account.

Considering the facts and circumstances, this application is disposed of finally with the direction to D.R.M.(P) Jhansi to decide the representation of the applicant by a reasoned order within three months from the date a copy of this order is filed. To avoid delay it shall be open to the applicant to file a fresh copy of the representation alongwith the copy of this order.

There will be no order as to costs.

  
VICE CHAIRMAN

Dated: 18.12.2000

Uv/