

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCHALLAHABAD.

Allahabad this the 17th day of January 2001.

Original Application no. 1303 of 1997.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

K.L. Sharma, S/o G.S. Sharma,  
R/o Rly., Qr. no. 557/K, Bichiya Rly., Colony,  
GORAKHPUR.

... Applicant

C/A Shri K.S. Saxena

Versus

1. The Union of India (Through General Manager  
N.E. Rly., Gorakhpur).
2. The FA & CAO, N.E. Rly., Gorakhpur
3. The Chief Cashier,  
N.E. Rly., Gorakhpur.
4. The Sr. Divl. Accounts Officer,  
N.E. Rly., Varanasi.

... Respondents

C/Rs Shri A. Tripathi

...2/-

*Sir*

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O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

The applicant has come up seeking direction to the respondents to make payment to which he is entitled as per details given in para 4.7 of the O.A. alongwith interest @ 18% p.a...

2. The main controversy raised <sup>is</sup> in respect of sick period from 14.9.96 to 28.11.96 for which the applicant claims to be entitled for payment as period availed ~~as~~ medical leave. The applicant further goes to mention that in this regard he made representation to authority in the department on 19.12.96, copy of which has been annexed as annexure A-1, but no positive action has been taken thereon and, therefore, he has come up before the Tribunal.

3. The respondents have filed the CA with specific mention that the applicant did not move the proper authority for redressal and have also denied to have received any representation as alleged by the applicant.

4. Heard learned counsel for the rival contesting parties and perused the record.

5. It is a case in which the respondents have ~~not~~ <sup>but</sup> ~~neither~~ set aside the claim of the applicant ~~nor~~ have ~~also~~ <sup>for some</sup> ~~not~~ admitted the same with technical objection of practice <sup>preferring</sup> and rule adopted by the applicant in preparing his claim before the departmental authorities.

*Seal*

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6. For the above the OA is decided with the direction that in case the applicant moves a fresh representation within 4 weeks from the date of this order, alongwith copy of allegedly sent earlier representation copy of which has been annexed as annexure A-1, to the competent authority in the respondents establishment, the same be decided within 2 months, thereafter, by passing detailed, reasoned and speaking order and in case the claim of the applicant is established and he <sup>is</sup> has found entitled to the claimed amount, the same be paid within 2 weeks, thereafter, failing which the applicant <sup>is for the period computed from 2 weeks after order till date of payment</sup> shall be entitled to interest @ 18% p.a. The OA is decided with the above direction.

7. No cost.

*See x-ray*  
Member-J

/pc/