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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 25th day of November 2002.

Original Application no. 489 of 1997.

Hon'ble Mr. M.P. Singh, Member A.

Bibhuti Narain Singh,
S/o late Hari Keshwar Nath Singh,
R/o Phulwaria Varanasi, (Industrial State),
Varanasi, retired as Chief Traffic Inspector
from N.E. Railway, Varanasi.

... Applicant

By Adv : Shri V.K. Srivastava

Versus

1. Union of India, through its General Manager,
N.E. Rly., Varanasi.
2. Divisional Railway Manager, N.E. Rly.,
Lahartara, Varanasi.
3. Senior Divisional Personnel Officer, N.E. Rly.,
Varanasi.
4. Senior Divisional Accounts Officer, N.E. Rly.,
Varanasi.

... Respondents

By Adv : Shri D.C. Saxena

O R D E R

Hon'ble Mr. M.P. Singh, Member (A).

The applicant, by filing this OA has claimed the following reliefs :-

"a. That by means of suitable order or direction in the nature of mandamus commanding the respondents its agents, servants and authorities to make the payment of encashment of leave of 240 days and other dues which are wrongfully withheld by the respondents, be given to the applicant with interest at the market

MPS

...2/-

2.

rate.

It is further prayed that this Hon'ble Court may graciously be pleased to make the payment of post retirement benefit as are admissible under rule.

b. to issue any other order or direction as this Hon'ble Tribunal may deem fit and proper under the circumstances of the case.

c. to award cost of the application to the applicant."

2. The facts of the case are that the applicant was appointed as Guard Grade 'C' in the Railways on 04.01.1963. Subsequently, the applicant was promoted from Guard Grade 'C' to the post of Yard Master. He was lastly promoted as Chief Traffic Inspector and retired as such on 31.1.1997. According to the applicant his retiral dues including the leave encashment of 240 days have not been paid by the respondents. Aggrieved by this, the applicant has filed this O.A. claiming the aforesaid reliefs:

3. The respondents in their reply have stated that all the retiral dues have been paid to the applicant. However, certain retiral dues relating to gratuity, packing charges and leave encashment could not be paid earlier as his pay on the basis of his option not given in time, could not be fixed correctly. However, these retiral dues have been paid on 22.8.1997 and 4.9.1997 respectively except an amount of Rs. 1000/- has been withheld from DCRG ~~detained~~ on account of arrears of Income Tax and Rs. 3450/- on account of packing charges.

(22)

3.

4. Learned counsel for the applicant does not press the relief claimed by him in the O.A. He states that he will be satisfied, if a direction is given to the respondents to decide his representations dated 25.2.1997 and 17.4.1997.

5. In the circumstances, the respondents are directed to consider and decide the aforesaid representations of the applicant or treating this O.A. as part of the representation by passing reasoned and speaking order within a period of three months from the date of receipt of copy of this order. The OA is disposed of accordingly.

6. There shall be no order as to costs.

MBM
Member A

/pc/