

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

....

Original Application No. 65 of 1998

this the 2nd day of May'2002.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Lalta Prasad, S/o Sri Shankar Lal, R/o House No. 27/2  
-B, Panchkueiya District Jhansi.

Applicant.

By Advocate : Sri O.P. Gupta.

Versus.

1. Divisional Railway Manager, Central Railway,  
Jhansi.
2. Union of India through General Manager, Central  
Railway, C.S.T., Mumbai.

Respondents.

By Advocate : Sri A.V. Srivastava.

ORDER (ORAL)

The applicant who is working as Senior Section Engineer under D.R.M., Central Railway, Jhansi, (respondent no.1) has approached this Tribunal for issuing directions to the respondents for proper and correct maintenance of his leave account and also for converting the sick period into HLAP due to the applicant and to pay salary for the sick period from 1.11.95 to 8.3.96 and from 16.1.97 to 29.3.97.

2. It appears from the record that <sup>the</sup> dispute whether there is <sup>any</sup> HLAP credited to the applicant in his service record or not, and whether the applicant is required to submit any application for conversion of LAP/HLAP as indicated in the impugned order? According to the applicant <sup>that</sup> in the pay slip for the month of October'94 230 days LAP and 176 days HLAP were shown.

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The applicant claims that he never <sup>fall</sup> ill thereafter, therefore, his HLAP will increase automatically 20 days per year. Therefore, the question of HLAP being Nil in the account of the applicant is not correct. It is, on the other hand, pleaded by the respondents that the applicant was under sick list for the period from 1.11.95 to 8.3.96 and his sick period was adjusted as per the details given in the C.A. and there remains no HLAP to his credit.

3. I have heard the learned counsel for the parties and have also gone through the pleadings on record.

4. It has been mentioned by the applicant in his Rejoinder that he had remained on sick list only during the period from 1.11.95 to 8.3.96 and 10.1.97 to 29.3.97 and if any period of further sickness, the respondents be directed to produce the sickness certificate, if any, submitted by the applicant to make the position clear.

5. The learned counsel for the respondents has also drawn my attention to the averments made in para 6 of the Counter in which it has been pleaded that the applicant was marked absent for the period from 17.2.97 to 16.3.97 by CWS Office, Jhansi and for the period from 1.3.97 to 29.3.97, he has been treated as sick without pay.

6. Considering the facts and circumstances of the case and after hearing the counsel for the parties, the O.A. stands disposed of with the following directions:

The applicant would submit a fresh representation regarding his grievances after taking into consideration the facts narrated in the Counter before the competent authority, who shall re-examine the case of the applicant and also permit him to inspect the leave account and <sup>in</sup> after giving him personal hearing, decide his case as per

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extant rules and directions on the subject within a period of three months from the date of receipt of such representation. There shall be no order as to costs.

*R. H. V. Reddy*  
MEMBER (J)

GIRISH/-