

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 335 OF 2004

ALLAHABAD THIS THE 25th DAY OF JULY 2005

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

M. F. Ansari s/o Abdul Shakur,
r/o 35/32 Mohalla Garhi Kalan,
District-Allahabad.

.....Applicant

(By Advocate: Shri S.K. Om)

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Finance Advisor & Chief Accounts Officer, N. E. Railway, Gorakhpur.
3. Divisional Railway Manager (Personnel) North Eastern Railway Varanasi.

..... Respondents

(By Advocate: S.K. Anwar)

O R D E R

By Hon'ble Mrs. Meera Chhibber, Member (J)

By this O.A. applicant has sought quashing of the letter dated 15.12.2003 whereby his request for grant of Leave Encashment was rejected (Pg.13). He has further sought a direction to the respondents to pay entire arrears of leave encashment along with interest @12% per annum.

2. It is submitted by the applicant that as per his pay-slip of October 1997 applicant was shown to have 255 days Earned Leave and after October 1997 applicant had not utilized any of his earned leave. Therefore, number of Earned



Leave would have increased by the time, he retired in July 2000, yet at the time of his retirement he was given Leave Encashment only of 108 days whereas he was entitled for 300 days.

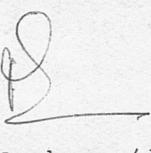
3. Respondents have opposed this O.A., by submitting that in December 1997 applicant had only 103 days leave to his credit. However, the leave taken by the applicant was not shown in the computer. Therefore, the statement showing 255 days earned leave as in October 1997 is wrong. In the ledger only 68 days earned leave was remaining to the credit of the applicant. On the date of his retirement as he took further leave after 1997 as well. Accordingly, he was paid Leave Encashment for 68 days at the time of his retirement.

4. Counsel for the respondents also produced his original records for the court's perusal to show that after 1997, applicant had applied for Earned Leave on number of days, which is evident from his own applications. He, therefore, submits that the applicant has made a wrong statement in the O.A. therefore, the Original Application is liable to be dismissed on this ground alone. He infact prayed that cost shall also be imposed on the applicant.

5. I have heard counsel for the parties and perused the pleadings as well. It is correct that in the computerized pay slip applicant has been shown to have 255 days Earned Leave as in October 1997 but respondents have explained that infact the applicant had only 103 days Earned Leave as on December 1997 but since the same was not entered in the computer, the



computer was wrongly showing it as 255 days Earned Leave in the credit of applicant in October 1997. Even otherwise, from the records which have been produced before me, it is seen, that after 1997 applicant had applied for Earned Leave on number of occasions. Just to quote a few in 1998 he had sought LHAP from 11.04.1998 to 23.04.1998 on the basis of RMC. Thereafter he sought Earned Leave from 12.05.1998 to 18.05.1998; 19.05.1998 to 23.05.1998; 13.10.1998 to 14.10.1998; 15.10.1998 to 18.10.1998; 11.1.1998; 20.11.1998 to 24.11.1998; 23.2.1999 to 10.03.1999. This left period was sought as LHAP on the basis of RMC and again on 10.11.1999 to 16.11.1999 as Earned Leave from 13.03.2000 to 31.03.2000 as LHAP, which clearly shows that after September 1997 applicant had indeed taken Earned Leave and had also prayed for LHAP. It has been explained by the counsel for the respondents that LHAP is limited to 20 days in a year and the period exceeding 20 days has to be converted into Earned Leave. His contentions are supported by the applications given by the applicant himself. Therefore, we have no reason to doubt the correctness of the stand taken by the respondents. Since applicant's whole case is that he never took any Earned Leave after September 1997, which is contrary to the records. Therefore, the contentions of the applicant cannot be accepted. Accordingly, we find no merit in the O.A. The same is dismissed. No order as costs.



Member (J)

Shukla/-