

(THROUGH VIDEO CONFERENCING)

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

No. O.A. 350/01034/2021

Date of order: 10.8.2021

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
 Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri Ujjal Kumar Dutta,  
 Son of Late Nalini Ranjan Datta,  
 Working as Loco Pilot, Shunting  
 (Grade-1) CCC (R) Dum Dum,  
 Eastern Railway,  
 and residing at 5/A, Milan Park, Kalinibash,  
 P.O. :- Nona Chandanpukur, Barrackpore,  
 Dist. :- 24-Parganas (North),  
 Kolkata – 700 122.

..... Applicant.

Versus



1. The Union of India,  
     through the General Manager,  
     Eastern Railway,  
     17, N.S. Road,  
     Kolkata – 700 001.
2. The Divisional Railway Manager,  
     Eastern Railway,  
     Sealdah Division, Sealdah,  
     Kolkata – 700 014.
3. The Chief Personnel Officer,  
     Eastern Railway,  
     Fairlie Place, 17, N.S. Road,  
     Kolkata – 700 001.
4. The Senior Divisional Personnel Officer,  
     Eastern Railway,  
     Sealdah Division,  
     Kolkata – 700 014.

..... Respondents.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : None

**ORDER (Oral)**

**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(a) To issue direction upon the respondent authorities to consider the representation, dtds. 24.2.19 and 01.08.20 for payment of leave encashment to the applicant forthwith;

(b) To issue further direction upon the respondent authorities, according to R.B. No. 147/2017 and 148/2017 regarding payment of arrear out of leave salary consequent to the implementation of SIXTH CPC Report for the period from 1.1.06 to 31.8.08, benefit may be extended to the applicant forthwith;

(c) To issue further direction upon the respondent authorities, according to letter, dtd. 29.1.13, the applicant is entitled for payment of leave salary to the applicant forthwith;

(d) To issue further direction upon the respondent authorities, according to R.B. No. 100 of 2015, and R.B. No. 148/2017, the applicant 30% pay element with basic pay for the purpose of payment towards leave encashment forthwith;

(e) Any other order or further order or orders as Your Lordships may deem fit and proper under the circumstances of the case;

(f) To produce Connected Departmental record at the time of hearing."

2. Heard Ld. Counsel for the applicant, who is satisfied with the quality of audio and video during hearing.
3. Affidavit of service is taken on record.
4. Despite affidavit of service, none represents the respondents in the instant matter.
5. Ld. Counsel for the applicant would submit that the applicant is aggrieved as because 30% pay element with basic pay, was not reckoned in his case for the purpose of payment of leave encashment. The applicant would claim that his entitlement is justified as per Rule 924(i)/K of

*h.s.b.*

IREM-I, Railway Board's Circular No. 147 of 2017 and Para 3.23 of Board's letter dated 17.7.1981.

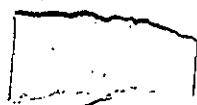
The applicant had accordingly preferred representations on 24.2.2019 (Annexure A-1 to the O.A.), 19.6.2019 (Annexure A-2 to the O.A.), 13.9.2019 (Annexure A-7 to the O.A.), 29.10.2019 (Annexure A-3 to the O.A.), and finally on 1.8.2020 (Annexure A-10 to the O.A.) but to no avail.

Ld. Counsel for the applicant would hence submit that the applicant would be fairly satisfied if a direction is issued to the respondent authorities to decide on his representations in a time bound manner.

7. As none appears to represent the respondents despite affidavit of service, Rule 16(1) of Central Administrative Tribunal (Procedure) Rules, 1987 is invoked.

Further as the pendency of the representations of the applicant is not controverted, we would not enter into the merits of the matter and direct the addressee respondent authority or any other competent respondent authority to dispose of the pending representations of the applicant, particularly, that dated 1.8.2020 (Annexure A-10 to the O.A.), in accordance with law, within a period of 6 weeks from the date of receipt of a copy of this order and convey such decision by way of a reasoned and speaking order to the applicant.

8. With these directions, the O.A. is disposed of. No costs.



(Dr. Nandita Chatterjee)  
Administrative Member



(Bidisha Banerjee)  
Judicial Member

SP