

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00024/2021

Date of decision: 02.03.2021

CORAM

HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)

Ghanshyam Singh Jat S/o Late Ram Pal Choudhary, aged about 61 years, R/o A-73, Rameshwar Nagar, Near Water Tank, Basni 1st Phase, Jodhpur, District Jodhpur, Rajasthan. Ex LDC under working respondent No.3 & 5.

.....Applicant

By Advocate: Mr. Kailash Jangid, present through VC.

Versus

1. Union of India, through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi, Pin 110001.
2. Union of India, through the Secretary, Ministry of Personnel, Public Grievances and Pension, Department of Personal & Training, Old JNU Campus, Govt. of India, New Delhi-110067.
3. The Chief Engineer, South West Command, Pin 908546 C/o 56 APO.
4. The Record Officer C/o Chief Engineer, South West Command Pin-908546 C/o 56 APO.
5. The Garrison Engineer (Air Force), Military Engineer Services, Jodhpur-342011.

.....Respondents

By Advocate: Mr. K.S. Yadav, present through VC, after getting an advance notice.

ORDER (ORAL)**Per Hon'ble Mrs. Jasmine Ahmed, Member (J)**

Heard.

2. Learned counsel for the applicant states that the applicant herein, who was earlier working in the Indian Air Force, retired from his service on 31.08.1999. Thereafter, as a fresh candidate, he has joined the respondent Department i.e. MES on 08th June, 2000 and again retired from his service on 31st January, 2020. It is the contention of the learned counsel for the applicant that the applicant has not been paid the leave encashment due to him for the service rendered by him in the MES Department from 08.06.2000 to 31.12.2020. In this regard, when the Bench asked him whether the applicant has preferred any representation for releasing the leave encashment amount, he stated that he has served a legal notice dated 29th October 2020. On query whether he has received any reply to the legal notice, the learned counsel for the applicant replied in negative.

3. In the aforesaid scenario, we feel that the competent authority may be directed to decide the legal notice dated 29th October, 2020, but as it is seen that only four months have elapsed to serve the legal notice to the respondent department and

as per the CAT Act, the applicant should have waited for six months before approaching this Tribunal.

4. At this stage, learned counsel for the respondents states that applicant may prefer a fresh representation also. In this regard, when we asked the learned counsel for the applicant that whether the applicant would like to file a fresh representation, the reply came in affirmative. Accordingly, we direct the applicant to file a fresh representation before the competent authority within a week from the date of receipt of a certified copy of this order, and thereafter, the competent authority after receiving the fresh representation is directed to decide the fresh representation of the applicant as well as the legal notice dated 29.10.2020 (Annexure A9) by passing a detailed reasoned and speaking order within a period of two months.

5. With the above direction, the OA is disposed off at the admission stage itself. It is made clear that while disposing off the OA, we have not commented anything on the merits of the case.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)