

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1607 of 1992

Allahabad this the 23rd day of May 1997

Hon'ble Dr. R.K. Saxena, Member (J)

Gokul Chandra Durg, Ex Divl. T.T. Inspector North  
Eastern Railway/Bareilly City (Izatnagar Division)  
S/o Late Shri Mahabir Prasad, 724-A, New Model Rail-  
way Colony, Izatnagar, Bareilly.

Applicant

By Advocate Sri R.R. Shukla

Versus

1. Union of India through General Manager,  
N.E. Railway, Gorakhpur.
2. Divisional Railway Manager(P)/N.E. Railway,  
Izatnagar.

Respondents

By Advocate Sri P. Mathur.

O R D E R ( Oral )

By Hon'ble Dr. R.K. Saxena, J.M.

This O.A. has been filed by the applicant Gokul Chandra Durg claiming that the amount of retiral benefits totalling, Rs.31,350-00 was paid belatedly and the amount of leave encashment was not paid although after commutation of 33 days leave encashment, the applicant had 102 days leave to his credit. He, therefore, claims the payment of the said leave encashment.

2. Briefly stated the facts of the case are that the applicant was working as Travelling Ticket Inspector (for short T.T.I.) and he was superannuated on 31.8.90.



(7)

:: 2 ::

The grievance of the applicant is that firstly all the retiral benefits have not been paid to him and an amount of Rs.31,350-00 was paid on 5.4.91. He, therefore, claims interest at the rate of 18% and also claims the payment of leave encashment alongwith the interest.

3. The respondents have opposed the O.A. on the ground that whatever was due, was paid to the applicant. It is further contended that the claim of the applicant is not maintainable. The applicant<sup>2</sup> filed rejoinder, reiterating the facts of the O.A.

4. I have heard Sri R.R. Shukla and Sri Prashant Mathur, learned counsel for the parties and have perused the record.

5. The issue involved in this case<sup>1</sup> is whether the applicant has been paid the entire retiral benefits. The contention of the applicant is that the payment of leave encashment of 102 days is still to be paid. He further contends that the amount of Rs.31,350-00 was paid belatedly and, therefore, he claims himself to be entitled for interest.

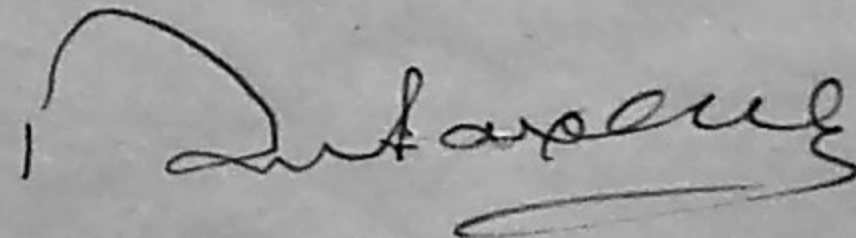
6. The contention on behalf of the respondents is that nothing is due and the delay in payment of the



(8)

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retiral benefits was caused because the clearance of the commercial debits was to be ascertained and <sup>for</sup> that was taken an early step. In my opinion, the respondents should clearly show the applicant as to how much leave was due to him at the time of his retirement. He should also know the amount which was paid to him towards leave encashment and what was left. Similarly he should also know whether the delay in making final payment was reasonable or not. For ascertainment of all these facts, there is only one way open, that the applicant should approach the respondents particularly the Divisional Personnel Officer and make a representation about the grievance which has been disclosed in this O.A. within ~~a~~ month or on 01.8.1997. The Divisional Personnel Officer shall hear the applicant and show the relevant documents and finally pass an order within one month thereafter. If the applicant is found entitled to any amount, it should be paid within 2 months therefrom. The O.A. stands disposed of accordingly. No order as to costs.



Member ( J )

/M.M./