

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 551 of 1992

Allahabad this the 18th day of Sept. 1995

Hon'ble Dr. R.K. Saxena, Member J
Hon'ble Mr. D.S. Baweja, Member A

Bharat Lal Gupta, S/o Lala Banshi Lal R/o
75 Pan Dariba, Allahabad.

APPLICANT.

By Advocate Shri P.K. Kashyap.

Versus

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. General Manager (Personnel) North Eastern Railway, Gorakhpur.
3. Chief Mechanical Engineer, North Eastern Railway, Gorakhpur.

RESPONDENTS.

By Advocate Shri Prashant Mathur.

O R D E R (Oral)

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

The applicant has approached the Tribunal for seeking the relief that the Leave Account Pay of 209 days, amounting to Rs-25,192.00 be directed to be paid by the respondents and also the writ of mandamus, commanding the respondents to pay interest at the rate of 18% be issued. Besides,

the bonus for the months of April, 1990 to July, 1991 amounting Rs.806.00 be also ordered to be paid.

2. The respondents have contested the case on the grounds that the days of encashment were only 26 for which the amount has been calculated and paid. It is also contended that there is no force in the application.

3. We have heard the learned counsel for the parties and have perused the record.

4. The main point in this case, is as to what is the number of days of earned leave due to the applicant. He claims the days as 235 out of which payment of salary of 26 days was ~~paid~~ ^{made} to him, whereas the respondents came with the plea that only 26 days were available to the applicant and payment of salary of those 26 days was made to the applicant. It is, as a matter of fact, the point of going through the service record of the applicant. It would be better that the service record is shown to the applicant and then the decision is taken. The contention of the learned counsel for the respondents that Pension Adalat had taken place and in that Pension Adalat, the days of Earned Leave were found ~~at~~ 26. The applicant on the other hand contends that he never appeared before the Pension Adalat and, therefore, proceedings

:: 3 ::

are not binding on him. There is no question of referring ^{to} the proceedings of Pension Adalat. The matter shall be examined afresh after the applicant moves a representation within 3 weeks from today. The respondents are directed that the said representation shall be disposed of after giving an opportunity to the applicant and showing the record about the days of earned leave due to him. The decision of the representation shall be given by the respondents within 8 weeks from the date of receipt of the representation. The O.A. is disposed of accordingly. No order as to costs.

DR. R. V. Mehta

MEMBER (A)

D. A. Patel

MEMBER (J)

/M.M./