

20-22

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1358 of 1993

Allahabad this the 09th day of November, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Jai Ram Singh, Ex Driver(Grade 'A' Special) aged about 70 years, Son of Sri Jailal Singh, resident of House No.17, Mahant Building, Loco Bazar, Laksar, District-Hariwar.

Applicant

By Advocate Shri Pankaj Naqvi

Versus

1. Union of India through General Manager, Northern Railways, Baroda House, New Delhi.
2. Divisional Rail Manager, Northern Railways, Moradabad.
3. Divisional Personnel Officer, Northern Railways, Moradabad.

Respondents

By Advocate Shri Amit Sthalekar

ORDER (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant retired from service in the respondents establishment on 04.1.1981 on having opted voluntary retirement, but the retiral benefits have not been provided to him as to his entitlement and, therefore, he has

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come up with his ^{prayer} O.A. to direct the respondents to pay him difference ~~of~~ amount of leave encashment, rate of mileage, gratuity and commuted pension, amounting to Rs.16,724.25 , with interest thereon at the rate of 18% from 05.1.1981 till date.

2. The respondents have contested the case and filed counter-reply with the mention of details regarding entitlement of the applicant and payment made to him, with the submission that the applicant is not entitled to any relief claimed.

3. Heard, the learned counsel for the parties and perused the record.

4. The main controversy involved in the matter is the mode of calculation from the side of the applicant and by the respondents. The perusal of pleadings shows that formula of calculation differs from each other and, therefore, no legal implication is involved in the matter and factual position can be resolved by the department itself.

5. For the above, it is provided that incase the applicant moves a fresh representation within 4 weeks from the date of this order narrating therein his claim and the rules in this regard, the competent authority in the respondents establishment shall decide the same by way of detailed, reasoned

22

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and speaking order within a period of 8 weeks thereafter and incase the applicant is found entitled to any further payment, the same be paid within 2 weeks thereafter, with interest at the rate of 10% from the date, when amount fell due to payment and the date of actual payment. The O.A. is disposed of accordingly. No order as to costs.

Sae mag
Member (J)

/M.M./