

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1426 of 1993

Allahabad this the 13th day of October, 2000

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

Kedar Nath Srivastava, Son of resident of
Garhwar Road, Parmanandapur, Post Office Ballia
H.O., District Ballia.

Applicant

By Advocate Shri H.S. Srivastava

Versus

1. Union of India through Rail Secretary, Rail Bhawan, New Delhi.
2. Divisional Railway Manager, Varanasi Division, North Eastern Railway, Varanasi.
3. Divisional Personnel Officer, North Eastern Railway, Varanasi.

Respondents

By Advocate Shri Avnish Tripathi

ORDER (Oral)

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

The applicant Shri K.N. Srivastava retired on superannuation on 31.12.1990 from the post of Works Mistri and thereby became entitled to retiral benefits, but he was not satisfied with the payment ^{made so far} as the respondents did not pay the leave encashment for 209 days as well D.C.R.G. and the amount of group insurance

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and the arrears of D.A., for which he represented before the respondents, but of no avail.

2. In support of his contention, the applicant referred letter dated 08.12.1990, copy of which has been annexed as annexure R.A.-4, according to which the applicant has been sanctioned encashment of leave for 209 days ^{but not paid.} The applicant also brought on record the letter of January, 1991 through which he has been allowed to retain the official residence from 01.1.1991 to 30.4.1991 on normal rent and vide letter dated 10.7.1991 (R.A.-2), he was allowed to retain the official residence from 01.5.1991 to 31.5.1991 on double of normal rent or 10% of emolument, whichever is higher. The applicant has also filed letter dated 31.7.1991 (R.A.-5), according to which he was liable for the deduction of Rs.2016/- only on account of not having availed the passes and only this much of amount was to be debited. The applicant has also filed clearance certificate as annexure -1A to O.A. ^{for} ~~after~~ having vacated the railway quarter, which was allotted to him. On the strength of these facts, the applicant has claimed the relief as mentioned above.

23. The respondents have contested the case and filed the counter-reply, through which

it has been contended that the amount admissible to be paid to the applicant as retiral benefits, has already been paid to him and no amount remains due to be paid.

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

5. During the course of arguments, it came to light that the applicant has already been paid the amounts due on retirement, under all the heads to which he has put his claim through the O.A. and now the dispute remains regarding the quantum of amount paid, Under head 'leave encashment', the applicant has claimed leave encashment of 209 days, whereas he has been paid for only 39 days. The applicant has also disputed the deduction of panel rent from his D.C.R.G. There is also dispute regarding deduction of Rs.2016/- under head 'passes'.

6. Keeping in view the facts and circumstances of the matter, I find it a fit case to direct the respondents to re-examine the claim of the applicant ^{in the light of} keeping in view the facts as have come on record through the annexure R.A.-1, R.A.-2 R.A.-3, R.A.-4 and R.A.-5.

7. For the above, the O.A. is decided with the observation that incase the applicant

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moves a representation to the competent authority in respondents establishment within one month from today mentioning therein the details of the amount he claims, the same be decided within 4 months thereafter in the light of above observation. If any amount is found to be paid to the applicant, the same be paid with interest as admissible under rules. The applicant shall also be entitled for interest @ 10% per annum on the amount of gratuity, which is said to have been paid beyond the prescribed period. No order as to costs.

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Member (J)

/M.M./