

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 27th day of November, 2000

Original Application No.158 of 1994

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Kapildeo Narain S/o Late Ram Charan Lal,

R/o New Godown, Toplo, Gaya,

District Gaya.

(Sri SK Dey/SK Mishra, Advocates)

.Applicant

Versus

1. Union of India through the
General Manager, Eastern Railway,
Calcutta.

2. Divisional Railway Manager, Eastern Railway,
Mughalsarai, district Varanasi.

(Sri AV Srivastava, Advocate)

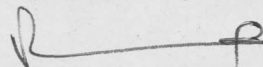
.Respondents

O R D E R (O r a l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

By this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the respondents to make payment for due ~~leave~~² leave salary for 195 days.

2. The facts in brief giving rise to this controversy are that the applicant joined Railway on 08-3-1957 as a Guard and he retired from service on 08-1-1987. The claim of the applicant is that under Rules, he ~~is~~^{is} entitled for 240 days leave salary on account of leave but he has been paid only 45 days leave salary and is entitled for the leave salary amount of 195 days. In the CA it has been stated that the leave account for the period 8-3-1957 onwards is not available with the respondents. From 1-1-1972, leave account has been



maintained. As leave account from 8-3-1957 to 31-12-1971 is not available with the respondents, who are supposed to be the custodian of his service record, in my opinion, the applicant is entitled for the relief. Similar view has already been taken by this Tribunal in case of Mohd.Qasim Vs. UOI & Anr vide order dated 9-9-1999 in OA No.165 of 1995. In the absence of leave record, benefit was given to the employee. Similar view has also been taken in other case in OA No.504/1995 (Laxmi Narayan Singh Vs. UOI & Anr) vide order dated 4-11-1999^u

3. I am in respectful agreement with the views expressed in the aforesaid orders.

4. Sri AV Srivastava, counsel for the respondents also submitted that the application of the applicant was filed long after retirement and it should be rejected on the ground of limitation. However, as the applicant before coming to this Tribunal made representation and further considering the facts and circumstances that similar claims have been allowed in respect of other retired employees, the ends of justice require that relief may be given to the applicant also.

5. For the reasons stated above, the application is allowed. The respondents are directed to pay the amount equivalent to the salary of 195 days to the applicant within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs.


Vice Chairman

Dube/