

Central Administrative Tribunal, Allahabad Bench

Allahabad

Dated: Allahabad, This the 27th Day of April 2000

Coram :

Hon'ble Mr. S. Biswas A.M.

Original Application No. 1143 of 1994

Jagir Singh S/o Harnam Singh, R/o Vill. Kheri II,
P.O. Doiwala, Distt. Dehradun.

-----Applicant.

C/A Shri V.K. Srivastva, Adv.

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Loco Foreman, Laksar, District Hardwar.
3. Divisional Railway Manager, Northern Railway, Moradabad Division, Moradabad.

... Opp. Parties.

C/Opp. Parties: Sri G.P. Agarwal, Adv.

Order

(By Hon'ble Mr. S. Biswas, Member (A.))

The applicant retired from service on 28.2.93 when he was working as Running Room Cook Mate in Loco Shed Hardwar under Loco Foreman, Laksar whereas he should have retired on 30.4.93, ^{as per} ~~being~~ his date of birth ~~on~~ ^{5/2} the records.

2. He sought the following reliefs in the present O.A.: -

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(i) A compensation of Rs.10,000-00 for mental torture be paid to him as the department made him work at Laksar upto 28.2.93 beyond the official version of his retirement date 31.12.92. His date of birth was subsequently informed by the respondents as 31.12.34. Hence for working upto 28.2.94 beyond 31.12.92 he is eligible for this compensation.

(ii) It is also alleged that a sum of Rs.5000/- was withheld from leave salary for 207 days paid. He was eligible for 240 days.

3. Heard the parties.

4. The counsel for the respondents has denied that the applicant's date of retirement was 30.4.93. Since his date of birth is recorded to be 31.12.34, the due date for retirement is 31.12.92. This is as per official record. He overworked upto 28.2.94 due to mistake for which he is eligible for pensionary benefits.

5. As per applicant's leave account only 207 days leave was available for which he has ~~been~~ received full salary recompensation. The claim of 240 days of due leave has been denied as not according to the leave account, submitted in this behalf.

6. It is an admitted fact in this case that the applicant worked beyond his actual date of retirement by about two months for which he was ~~not~~ granted bonus though he has received other eligible benefits including provision for pension. No ~~judgment~~ or rule has been filed under which damage claim can be entertained for Psychological torture. It is also an admitted fact that only 207 days leave was due as per the account. The respondents have

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paid the salary due on that score. This claim is also not supported by evidence.

7. The O.A. therefore fails on both counts. O.A. is therefore dismissed on merits. No Costs.

S. Baw
Member (A.)

Anand