

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 28th day of February, 2001.

C O R A M :- Hon'ble Mr. S. Dayal, Member- A.

Orginal Application No. 1415 of 1999

B.C Dutta S/o L.N. Dutta R/o New Mohal,
Mughalsarai, Distt. Chandauli

.....Applicant

Counsel for the applicant :- Sri S.K. Dey
Sri S.K. Mishra

V E R S U S

1. Union of India through the General Manager,
E. Railway, Calcutta- 1.
2. The Divisional Railway Manager, Mughalsarai
Distt. Chandauli

.....Respondents.

Counsel for the respondents :- Sri K.P. Singh

O R D E R (oral)

(BY Hon'ble Mr. S. Dayal, Member- A.)

This application has been filed for a direction to the respondents to make payment of encashment of leave for 130 days which was balance due as on 01.01.78.

2. I have heard Sri S.K. Mishra, learned counsel for the applicant and Sri K.P. Singh, learned counsel for the respondents.

[Signature]

3. Learned counsel for the respondents has drawn my attention to annexure A- 2 of the O.A in which order dt. 05.11.96 in O.A No. 624/92 has been annexed. It has been mentioned in para 6 of the said order as follows :-

"From the facts detailed above, it is noted that the applicants have made the submission of zero leave balance on 01.01.78 on the presumption that their leave records were missing. No documentary evidence has been brought in support of this contention. There is no averment as to why they did not make any representation at the time of retirement when they were aware of this position. The applicants have based their claim based on the judgement dated 21.08.90 in O.A 39/1990 of Patna Bench. The respondents on the other hand have vehemently controverted the stand of the applicants stating that the leave records prior to 01.01.78 in respect of all the applicants are available. Keeping these rival contentions in view, the respondents were directed to produce the orginal service and leave records of the applicants. The respondents have accordingly made available the orginal records. On going through the records, we find that the leave records since joining service including as on 01.01.78 of all the applicants are available. On scrutinizing we note the leave in balance on 01.01.78 as under :-

<u>APPLICANT</u>	<u>BALANCE LEAVE DUE ON 01.01.78</u>
1. B.C. Dutta	180
2. M.N. Soor	14
3. J.N. Gope	31
4. A.R.N. Srivastava	9
5. J.P. Srivastava	65
6. R.V. Trivedi	173
7. K.P. Singh	30

8.	T.K. Jha	15
9.	B.N. Shukla	40
10.	A.L. Khan	30
11.	M. Amanullah	15
12.	I.D. Prasad	140
13.	L.N. Verma	15
14.	B.B. Prasad	110
15.	S.N. Sharma	40
16.	Pyare Lal	36

From the above, it will be seen that in case of none of the applicants the balance leave on 01.01.78 has been presumed as zero. on perusal of the records we are satisfied about the authenticity of the leave records and service records. With this factual position as per the records abviously the applicants have simply advanced their claim on knowing about the judgement in O.A 39/1990 of Patna Bench to seek undue benefit.

In view of the above facts, the applicants have no case and the application is accordingly dismissed. No order as to costs."

4. Thus the claim of the applicant has already been adjudicated and this application is clearly barred by res-judicata. The O.A stands disposed of.

5. There will be no order as to costs.



Member - A.

/Anana/