

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 02nd day of August, 2005

Original Application No. 1450 OF 2002

HON'BLE MRS. MEERA CHHIBBER, MEMBER- J.

Chandrika Prasad Singh, S/o Sri C.P. Singh,
R/o 95/1008 A, Sarvoday Nagar, Allahpur,
Allahabad.

.....Applicant

Counsel for the applicant :- Sri N.L. Srivastava

V E R S U S

1. Union of India through Secretary,
M/o Communication, D/o Posts ,New Delhi.
2. Senior Superintendent of Post Offices,
Allahabad Division, Allahabad.
3. Post Master General, Allahabad.
4. Director Posts, Allahabad Region,
Allahabad.
5. Chief Post Master General, U.P. Circle,
Lucknow.
6. Director, Postal Accounts, Lucknow.

.....Respondents

Counsel for the Respondents :- Sri D.S. Shukla

O R D E R


By this OA the applicant has sought ~~the~~
quashing of order dated 20.05.2002 with further
direction to the respondents to pay encashment of
181 days of Earn Leave (E.L.).



2. It is submitted by the applicant that he retired as Postal Assistant on 31.01.2000 when he was entitled to get the encashment of 290 days but he was paid only for 75 days. Being aggrieved he gave representation on 20.03.2001 giving all the details therein (Pg. 15). Weherafter applicant was sanctioned leave encashment for another 34 days (Pg. 10). However, according to the applicant he still has more E.L to his credit and the respondents have wrongly not calculated these days.

3. The respondents on the other hand have opposed this O.A . They have submitted that at the time of his retirement the applicant accepted leave encashment for 75 days without taking any objection and gave his representation only after one year. Yet his records were examined and he was paid encashment for 34~~4~~ days and no more leave is left to his credit, therefore, he is not entitled for any payment now as what ever ^{was} due to him has already been paid.

4. I have heard both the counsel for parties and perused the pleadings as well, ~~The~~ original record, ~~which~~ were produced by the respondents on direction given by the court.

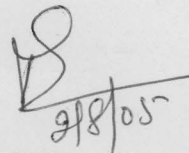


5. After looking into the records, it is seen that even 34 days have not been properly calculated inasmuch the days from 20.03.1995-25.03.1995 (6 days), 05.05.1998-19.05.1998 (15 days), 09.11.1998 to 14.11.1998 (6 days) and 22.05.1991- 01.06.1991 (11 days) total comes to 38 days but it is not understood how the applicant has been given leave encashment only for 34 when admittedly all these period have been allowed as commuted leave. Similarly it is seen that his leave from 17.09.1998 to 20.02.1998 is duly sanctioned as commuted leave but it is treated as "EL not sanctioned". Again the period from 08.01.1991 to 24.01.1991 has been converted in to commuted leave but it is shown as "EL not allowed". The application for 13.07.1991 to 18.07.1991 is shown as EL with over writing but it is seen that EL has been converted in to commuted leave which is duly signed by the SSPOs, Allahabad. The application for 02.06.1994 to 13.06.1994 is for conversion of EL into commuted leave but it is shown as EL in the record. All these things need to be rechecked. Therefore, this matter is remitted back to the SSPO, Allahabad who may verify the position in the presence of the applicant and pass appropriate orders thereon . It would be open to the SSPOs to verify the facts. He may call the applicant to remain present in his office as per his convenience on a date to be fixed by the SSPOs, Allahabad. In case it is found that there are more



days which need to be treated as commuted leave as per his application, then appropriate order to that effect may be passed for payment of the rest of leave encashment to the applicant within a period of three months from the date of receipt of a copy of this order..

6. With the above direction this O.A is disposed of with no order as to costs.


MEMBER- J.

/ANAND/