

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ORIGINAL APPLICATION No.181/2002

ALLAHABAD, THIS THE 20TH FEBRUARY, 2002.

HON'BLE Mr. RAFIQ UDDIN .. JUDICIAL MEMBER

M. P. Saxena,
S/o Sri L.J. Saxena,
Retd. Driver Gr.A (Electrical),
C/o Anrishi Sahai Bhatnagar,
R/o House No.15/20, Chaupal House,
Barai Street, Aligarh. ... Applicant

(By Advocate Shri K.S. Saxena)

Versus

1. The Union of India,
through General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Allahabad. ... Respondents

(By Advocate Shri A.K. Gaur)

ORDER - (ORAL)

Hon'ble Mr. Rafiq Uddin - JM :

Shri K.S. Saxena for the applicant and Shri A.K. Gaur for the respondents.

2. Heard counsel. The O.A. is being disposed of at the admission stage with the consent of both the parties.
3. The applicant who retired as Driver Gr.A (Electrical), from Northern Railway, Allahabad, has approached this Tribunal in the 2nd round of litigation seeking for setting aside the impugned letter dated 29.6.2001, annexed as Annexure-1 to this O.A. and for issuing

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directions to the respondents to treat the period from 29.1.1992 to 16.8.1992 as spent on duty and to pay full amount for 240 days of LAP, encashment of leave.

4. It may be stated that the applicant in O.A. No. 402/2001, had also sought the same relief which was disposed of vide order dated 17.4.2001 with the following directions:

"In case the applicant makes a fresh representation within 2 weeks, the same be decided by the competent authority in respondent establishment within 3 months, thereafter, and pass order in accordance with rules and circumstances of the case. No order as to costs."

5. Now, the respondent office has examined the case of the applicant afresh vide impugned order dated 29.6.2001, Annexure-1, stating that the applicant did not submit any fresh representation as directed by this Tribunal. However, the representation ~~is~~ enclosed with the O.A. as Annexure-1 was considered by the competent authority and it was found that during the year 44 days LAP ^{was} in his credit in his leave account.

6. The learned counsel for the applicant has however, submitted that a detailed representation was duly submitted by the applicant which was sent by Registered Post on 27.4.2001, a copy of which has been annexed as Annexure-3 to this O.A. which was not considered by the respondents. Therefore, directions may be issued to the respondents to consider his aforesaid representation and pass suitable order

7. The O.A. is accordingly disposed with the direction to the competent authority to reconsider the case of the

applicant in the light of his representation dated 27.4.2001, Annexure-3 and to pass appropriate orders within a period of 2 months from the date of communication of this order. To avoid delay, it is also provided that the applicant would enclose a copy of the aforesaid representation along with this order for ready reference. No costs.

Rahimuddin
MEMBER(JUDICIAL)

psp.