

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

HON'BLE MR.A.K. GAUR , MEMBER (J).

Original Application Number. 221 OF 2006.

ALLAHABAD this the 6th day of January, 2009.

Imambux aged about 63 years son of Shri Illahi Bux, Resident of Rani Laxmi Nagar, Jhansi.

VERSUS

.....Applicant.

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Jhansi.

.....Respondents

Advocate for the applicant: Sri R.K. Nigam

Advocate for the Respondents : Sri S.K. Shukla
Sri Rajiv Sharma

ORDER

Learned counsel for the respondents has raised preliminary objection that this matter is inordinately time barred for which no reasonable or plausible explanation has been given by the applicant.

2. On the other hand learned counsel for the applicant has made an innocuous request that he does not want to press this O.A on merits and wants liberty to prefer representation for payment of leave encashment as it was not paid to him because of non-availability of leave record. This fact has not been denied by learned counsel for the respondents.

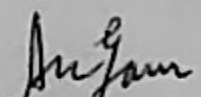
3. Having heard learned counsel for the parties, I am of the view that the objection raised by learned counsel for the respondents is sustainable in law and the O.A deserves to be dismissed being

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inordinately time barred. However, in the interest of justice, I direct the applicant to file comprehensive representation alongwith entire documents as available to him relating to his leave record within a period of three weeks from the date of receipt of certified copy of this order. If such representation is filed, the respondents/competent authority is directed to re-construct the leave record on the basis of documents produced by the applicant, as contemplated above, and decide the claim of the applicant within three months from the date of receipt of such representation.

4. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

Be noted that I have not passed any order on merits of the case.


MEMBER- J.

/Anand/