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OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ORIGINAL APPLICATION NO. 458 OF 2006.

ALLAHABAD THIS THE 4TH DAY OF MARCH 2008.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman.

Hari Lal son of Bhaddu Ram Yadav, (Ticket No. 6753 B.M Meth) 508 Army Base Work Shop. Fort Allahabad, Resident of Village Pure Shyam Ka Purva (Kachha) Post Office-Kutillya, Tehsil Lalganj, Ajhara, District Pratapgarh.

.....Applicant

(By Advocate: Shri Rajeshwar Yadav)

1. Union of India through Secretary Ministry of Defence, North Block, Government of India, New Delhi.
2. General Manager (Administration), 508 Army Base Workshop Fort, Allahabad.
3. Manager Military Dairy Farm Cantonment District, Meerut.
4. Account Officer 508 Army Base Workshop Fort, Allahabad.

.....Respondents

(By Advocate: Shri Saumitra Singh)

ORDER

Applicant, Hari Lal has filed this O.A praying for quashing the order dated 26.12.2005 passed by respondent No. 4 and for directing the respondents to pay him arrears of leave encashment for a period from June 1996 to 30 June 2001 also grant to him annual increment.

2. Applicant says that impugned order for recovery of a amount of Rs.8505/- has been passed without giving him any notice or opportunity to show cause. He ~~also~~ states that he was ^{not} given leave encashment for the period mentioned above nor was granted annual increments since June 1996 inspite of representation given to the Authorities.

3. Respondents have filed reply contesting the claim. According to them, the amount mentioned in the impugned order was wrongly



paid to the applicant so was recovered. They say that the applicant has no good claim for arrears of leave encashment or grant of increment.

4. The request of the respondents for deleting the name of respondent NO. 3 has already been rejected by the order of date on the ordersheet.

5. The Tribunal is of the view that the impugned order dated 26.12.2005 for recovery of amount of Rs.8505/- is ~~paid~~^{bad} for the reason^s that it was passed without any notice to the applicant or without giving him an opportunity to make representation against the proposed action. So that has to be set aside with a direction to the respondent NO. 4 to pass fresh orders, after giving opportunity to the applicant to have his say in the matter. In so far as the claim for arrears of leave encashment or grant of ^{ed} increment etc. is concerned, the respondents concerned may ask ^{ed} to consider the representation of the applicant and pass suitable orders.

6. So the O.A. is finally disposed of and order dated 26.12.2005 passed by respondent NO. 4, is quashed with a direction to the respondent NO. 4 to pass fresh order, after giving opportunity to the applicant to make representation against the proposed action, and it is further provided that applicant may make representation within a period of 15 days from today to the Authority concerned, in regard to the non-payment of leave encashment for the period from June 1996 to 30 June 2001 and grant of increments etc and if such representation is given, the Authority concerned will pass suitable orders in accordance with Rules, within a period of 3 months from the date, such representation is so given.

No order as to costs.

Manish
24.3.08

Vice-Chairman

Manish/-