

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
~~NEW DELHI~~O.A. No. 120 1987
~~Ex-AxxNox~~

DATE OF DECISION 26.07.1989

Jamnadas Revabhai Khamar PetitionerShri M.A. Kadri Advocate for the Petitioner(s)

Versus

Union of India & Anr. RespondentShri N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. Trivedi Vice Chairman

The Hon'ble Mr. P.M. Joshi Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Jamnadas Revabhai Khamar,
C/o. Loco Foreman,
Kankaria, Ahmedabad.

..  Applicant

(Advocate - Mr. M.A. Kadri)

Versus

1. Union of India, through
General Manager, W.Rly.,
Churchgate, Bombay.
2. Divisional Rly. Manager,
Vadodara Division,
Pratapnagar,
Vadodara.

.. Respondents.

(Advocate - Mr. N.S. Shevde)

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Hon'ble Mr. P.M. Joshi .. Judicial Member

O R A L - O R D E R

O.A./120/87

26.07.1989

Per : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Heard Mr. M.A. Kadri and Mr. N.S. Shevde, the learned advocates for the petitioner and respondents respectively. The petitioner has retired as a Fitter in 1987 and since then a provisional pension has been fixed and according to the learned advocate for the petitioner, only the assessment of his leave account and his right of encashment of leave remains to be decided. In doing so, the learned advocate for the petitioner contends that certain period of leave has been treated as leave without pay because when the petitioner absented himself during that period, that period according to the respondents no leave was credited to him and therefore no leave has been adjusted. The petitioner wants to raise his contention



in this regard after being given particular of such a period and how it has been treated as leave without pay, without considering that this period can be adjusted under the rule ^{Respondent} ~~cannot~~ future credit for the leave. The respondents have not filed reply. In the facts and circumstances of this case, therefore, the following direction would be appropriate and fit for disposal of the case.

The respondents' competent authority viz. Sr. Divisional Mechanical Engineer, Vadodara may consider this petition as a representation of the petitioner. He may give the particulars of the period being treated as leave without pay and point out to the petitioner by ~~the instruction~~ authorising such debit and why the instruction relied upon by the petitioner do not allow its adjustment against credit of future encashment of the leave, treating it as leave without pay, on the petitioner's giving a further reply to such a notice and if necessary allow to file any supplementary representation within a period, stipulated below.

The respondents be issued a notice regarding debit of the leave and the circulars relied upon by them in this regard within a period of one month from the date of this order, the petitioner be allowed to file his reply thereon and to make a supplementary representation within a period of further one month thereof and the speaking order thereon be passed within a period of four months thereof. The case,

10

therefore comes to the result within a period of six months. The said speaking order be filed with this case. The petitioner is at liberty to pursue his cause if any, thereafter by a fresh application.

With the above directions and observation, the case is disposed of with no order as to costs.

Rusini

(P H Trivedi)
Vice Chairman

Joshi
(P M Joshi)
Judicial Member

*Mogera