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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 702 of 1993

Date of Decision: 25.11.1994

Hari Sankar Bhaisa

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? N.

2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? N.

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H. RAJENDRA PRASAD  
MEMBER (ADMINISTRATIVE)

25 NOV 94

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 702 of 1993

Cuttack this the 26th day of November, 1994

C O R A M:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

...

Sri Hari Shankar Bhaisa,  
Retired Railway Guards,  
At: Kapumal - Teteguda  
PO: Jharsuguda  
Dist: Sambalpur

... Applicant/s

By the Advocate Shri J.N. Jethi

Versus

1. Union of India, represented by  
the General Manager,  
South Eastern, Railway  
Garden Reach, Calcutta

2. The Divisional Railway Manager  
S.E. Railway, Chakradharpur,  
PO: Chakradharpur  
Dist: Singhbhum (Bihar)

3. The Divisional Personnel Officer  
S.E. Railways, Chakradharpur  
Dist: Singhbhum (Bihar)

... Applicant/s

By the Advocate: Shri D.N. Mishra,  
Standing Counsel (Rly)

...

O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN); Shri Hari Shankar Bhaisa, the applicant, was a Railway Guard and retired on superannuation on 31st January, 1992, from Jharsuguda Division in the South Eastern Railway. He had approached this Tribunal on an earlier occasion with a prayer to direct the respondents to dispose of a representation that was pending at the time and further to direct them to allow him to inspect his leave account.

2. The grievance of the applicant then was that he was paid much less by way of leave encashment on his retirement

*T. S. Jethi*

that he was entitled to. This Tribunal had disposed of the application (O.A.522/92) by directing the respondents to dispose of the petitioner's pending representation, as prayed for by him, by a certain specified date; by giving liberty to the petitioner to call on the D.R.M. and thereafter to 'inspect' his leave account that would be shown to him by the authorities. The petitioner was also asked to submit a fresh representation to them if he had still a grievance after 'inspecting' the account. The competent authority was thereafter to pass a reasoned order on the representation, so, or if, submitted. The petitioner was finally granted one more liberty, - to approach the Tribunal, if there still remained <sup>unresolved any</sup> grievance of the petitioner. Altogether six "liberties" were thus granted to the petitioner. He seems to have exhausted most of the formidable list of liberties so conferred on him, and has now availed of the last of those liberties by filing this application.

3. The grievance of the petitioner remains the same even now, long after calling on the D.R.M. and D.P.O., and after all the details of his leave (of all kinds) have been duly made available to him by the authorities. Some of the claims of the petitioner are imaginary in part, some are based on sketchy and unsubstantiated foundations, and the rest are rooted in some undisclosed private record said to have been maintained by him. The method of his calculation of entitlements does not follow or conform to any known rule. He talks of leave on

T. S. J. A. H. B.

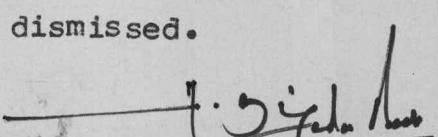
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half average pay, 'retrenchment' pay (whatever that means in his case), 'sick', and even casual leave besides what he calls 'unrecorded' leave and special casual leave, forgetting that it is the leave on average pay alone which can be encashed.

4. The applicant at one stage demanded the production of Guard's Roster, for what purpose it is not clear. On his part, the applicant said that he would produce some 'duty record' which he claimed he had maintained. It was never produced. The authorities are seen to have been more than helpful by acceding to every reasonable request <sup>to</sup> and also some demands which smack of irrelevance if not of actual whimsicality.

There is absolutely no merit at all in the petitioner's claims, no rule to support and no record to substantiate them. This is a confused claim and wholly unentertainable.

The application is dismissed.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

25 Nov 94

B.K.Sahoo//