

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order No. 2 dated 19.10.1999

This matter has been posted to today for passing orders on admission of this O.A.

2. In this O.A., the petitioner has prayed for a direction to the respondents to furnish copy of leave accounts maintained by the respondents from 15.4.1957 to 30.4.1994 to the applicant after duly reconciling the account with the leave account furnished by the applicant. The second prayer is for rectifying the error in credit of leave account and drawal of leave salary due and refund of Rs.16,557/- recovered from the leave salary arbitrarily. Earlier the applicant had approached the Tribunal in OA No.412 of 1996 which was disposed of in order dated 14.5.1998. In that case the applicant had inter alia prayed for paying him leave salary with 18% interest. In that case the admitted position between the parties was that the applicant had 88 days of leave on average pay at the time of superannuation, which on further verification was found to be 87 days. The applicant had stated in that case that an amount of Rs.16,557/- was ~~was~~ wrongly recovered from him as excess payment. This prayer of the applicant was disposed of with a direction to the respondents that within a period of thirty days from the date of receipt of copy of the order dated 14.5.1998 full details of Rs.16,557/- representing the alleged excess payment made to the applicant should be communicated to him by the respondents. The applicant was also directed to intimate to the respondents within thirty days from the date of receipt of these details, such of the amounts which are accepted

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by him and contest in respect of the amounts which are not admitted by him. Within thirty days thereafter the respondents were directed to pass appropriate orders on the representation of the applicant. It was also mentioned that the petitioner will have liberty to approach the Tribunal in case he is aggrieved by the order on his representation. In the present OA the applicant has stated that the particulars furnished by Senior Divisional Personnel Officer to him are not susceptible to any verification. He has made many averments with regard to the leave account but not in respect of deduction of Rs.16,557/-. If the applicant had any doubt about the leave account, this should have been raised by him in OA No.412 of 1996. Liberty was given to him in our order dated 14.5.1998 to approach the Tribunal if he is dissatisfied with the order of the respondents on his representation contesting any of the amounts of Rs.16,557/-. The quantum of leave at his credit was not in dispute in the earlier case and therefore the applicant cannot be allowed to raise this aspect ^{afresh} ~~again~~ in the present Original Application. In view of this, we hold that the Application in the present form is not maintainable and the same is rejected at the stage of admission. We reiterate our earlier observation that if the applicant is dissatisfied with the order of the respondents on his representation, if any, regarding deduction of Rs.16,557/- he will have the liberty to approach the Tribunal.

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(G.NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

19.10.99