

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

NO. O.A. 705 of 1996

PRESENT : HON'BLE MR. S.K. MALHOTRA, ADMINISTRATIVE MEMBER
HON'BLE MR. G. SHANTAPPA, JUDICIAL MEMBER

HARIDAS CHAKRABORTY

VS.

1. Union of India,
Represented by the General Manager,
Eastern Railway, 17, N.S. Road, Calcutta-1.
2. The Chief Personnel Officer, Eastern Railway,
17, N.S. Road, Calcutta-1.
3. The Divisional Railway Manager,
Sealdah Division, Eastern Railway,
Calcutta-14.
4. The Sr. Divisional Personnel Officer,
Sealdah Division, Eastern Railway,
Calcutta-14.
5. The Sr. Divisional Operating Superintendent,
Sealdah Division, Eastern Railway,
Calcutta-14.
6. The Sr. Divisional Personnel Officer,
Sealdah Division, Eastern Railway,
Calcutta-14.
7. The Station Superintendent, Ranaghat Railway
Station, Sealdah Division, Post Officer-
Ranaghat, District- Nadia, W.B.

For the Applicant : In person

For the Respondents : Mr. R.K. De, Counsel

Date of Order: 20.4.05

ORDER

MR. G. SHANTAPPA, J.M.:-

The above O.A. was filed under Section 19 of the Administrative Tribunals
Act 1985 seeking the following reliefs:-

(a) to pay to the applicant the amount of Leave Encashment of
Rs.28,044/- (Rupees twenty eight thousand forty four) with 15%
interest thereon from the date the Leave Encashment became payable
to the applicant till the date of actual payment;

G.P.

(b) Any such other or such further order or direction as the Lordships may deem fit and proper.

2. O.A. No. 705 of 1996 is for execution of the order dated 29.09.93 in O.A. No. 906 of 1993. The applicant has filed W.P. No. 16092(W) of 2003. The relief in the above W.P. and the relief in the present O.A. are similar in nature, we suggested the applicant to await the orders from the Hon'ble High Court. Our suggestion is accepted by the applicant. The applicant has himself produced the order of the Hon'ble High Court dated 3-12-2003. The Hon'ble High Court has passed the following order:-

"On the date to be fixed later the respondent Divisional Railway Manager, Eastern Railway, Sealdah Division shall produce evidence to show that provident fund has been paid to the petitioner. He shall also produce the entire records relating to settlement of pension of the petitioner and explain to this Court as to why Commutation Money was not paid to the petitioner. The leave Register of the petitioner shall also be produced in Court in order to demonstrate that the petitioner was not entitled to leave encashment as has been stated in the affidavit-in-opposition which has been kept concealed by the respondent for all these years since the Tribunal passed the order."

3. The learned counsel for the respondents has no objection to pass orders.

4. Since the present O.A. is an execution petition, the issue in this O.A. is pending before the Hon'ble High Court when the matter is seized before the Hon'ble High Court, it is not proper for us to take a decision on relief in this O.A. There is no legal bar to file 2nd execution petition. Hence it is just and proper to close the present O.A.. The applicant is directed to await the orders of the Hon'ble High Court in W.P. No. 16092(W) of 2003 which is pending for adjudication. We dispose of the O.A. without any observation on the facts of the case. The applicant is given liberty to file fresh O.A. if he is so ~~wished~~ wishes.

4. With the above observations the O.A. is disposed of. No costs.


MEMBER(J)


MEMBER(A)