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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

Date of Order : 19.12.95

O.A. No. : 529/95

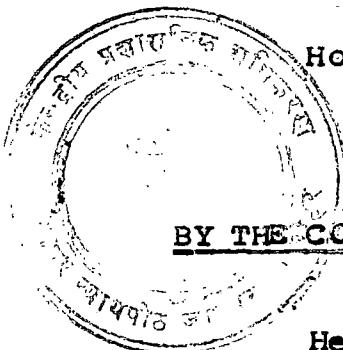
Jairam Das ... Applicant.

vs.

Union Of India & Ors. ... Respondents.

Mr. K.S. Chauhan, Counsel for the Applicant.

CORAM :



Hon'ble Ms. Usha Sen, Administrative Member.

BY THE COURT :

Heard Shri K.S. Chauhan, learned counsel for the Applicant.

2. The case of the applicant is that he retired voluntarily from 19.8.92. His post retirement benefits were paid sometime in September, 1994. The period from 27.3.1991 up to the date of his retirement, namely, 18.8.1992, has been treated as extraordinary leave without pay by the respondents. The applicant states that he had 339 days of Half Average Pay Leave (H.A.P.L., for short) as on the date of his retirement. In the circumstances, he claims that the respondents ought to have adjusted the period from 27.3.1991 up to 18.8.1992 as H.A.P.L. to the extent it was admissible and the balance only ought to have been treated as extraordinary leave without pay. He has stated that in

terms of para 530 of the Railway Leave Rules, extraordinary leave can be granted when either no other leave is admissible or when other leave is admissible but the Railway servant applies for the grant of extraordinary leave in writing. The applicant has stated that he never applied for grant of extraordinary leave for the said period and when he already had 339 days' H.A.P.L., it was the duty of the respondents to have first adjusted the said period against the H.A.P.L. admissible and treated only the balance as extraordinary leave. The applicant represented this matter to the respondents vide a representation dated 7.12.1994 (Annexure A/1) which was followed by a reminder dated 5.7.1995 (Annexure A/2) Lastly, a notice was issued by the Advocate of the applicant to pay the applicant the salary for 339 days of H.A.P.L. failing which he would take legal action. The respondents have not replied to these representations or the notice.

3. I have perused the record. I consider that instead of prolonging the process of litigation by issue of notice, a direction may be issued, which I hereby do, to the respondents to give a reply to the representation dated 7.12.1994 (Annexure A/1) of the applicant by a speaking order giving reasons for the decision taken on the representation and in particular give specific replies to the various grounds mentioned in the O.A. on the basis of which the applicant claims he is entitled to salary for 339 days of H.A.P.L. The respondents shall comply with this direction within four months from the date of receipt of a copy of this order. A copy of the O.A. may be sent to each of the respondents alongwith the copy of this order. With this direction, the O.A. is disposed of at the stage of admission.

Usha Sen
(USHA SEN)
MEMBER (A)