

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.

O.A. No. 32/2002

Date of order: 13.08.2002

1. Pragat Singh son of Shri Bhajan Singh, aged 50 years.
2. Mam Raj son of Shri Hari Ram, aged 39 years.
3. Babu Ram s/o Ganeshram, aged 35 years.
4. Krishan Lal s/o Rang Lal, aged 35 years.
5. Banwari Lal s/o Dayanand, aged 36 years.
6. Ganga Singh s/o Nathi Lal, aged 33 years.
7. Bir Singh s/o Randheer, aged 38 years.
8. Surendra Kumar s/o Mukhraj, aged 29 years.
9. Ram Chandra s/o Sanwatraj, aged 39 years.
10. Naresh Bhardwaj s/o Madan Lal, aged 33 years.
11. Ram Lal s/o Brij Lal, aged 34 years.

All working on the post of Mate in the office of
Garrison Engineer, Shri Ganganagar & all r/o Shri Ganganagar.

...APPLICANTS.

V E R S U S

1. Union of India through the Secretary Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, Shri Ganganagar.
3. Chief Engineer, Head Quarters, Bathinda Zone, Bathinda.

...RESPONDENTS.

Mr. Vijay Mehta, counsel for Applicants.

Mr. S.K. Vyas, counsel for Respondents.

CORAM:

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER.

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S O R D E R S

(per Hon'ble Mr. J.K. Kaushik, Judl. Member)

BY THE COURT:

Shri Pragat Singh and 10 others have filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, for seeking a direction to the respondent to make payment of leave encashment to the petitioners.

2. The undisputed facts of this case are that applicant no. 2 and 9 were promoted in the year 1998 and 1999 respectively, to the post of Mates. Other applicants were promoted from the post of Chowkidar/Safaiwalla to the post of Mates in the year 1999. All of them are posted under GE Sri-ganganagar. The case of the applicants is that at the time of their promotion they had to their credit earned leave of various days. The leave is governed by CCS (Leave) Rules, 1972 and according to rule 6 the applicants are entitled to get cash equivalent to leave salary in respect of earned leave at his credit to the extent of 240 days. The payment is required to be made suo moto by the respondent. Representation was made in the matter but the matter has been referred to the higher authorities.

3. The respondents have admitted the factual position and have submitted that the casualty to the effect of their promotion has been published in Part II order. The details of earned leave to the date of their promotion at their credit have also been submitted for getting the same audited. After protracted correspondence leave encashment certificates duly audited by the audit authorities, 4 number out of 11 cases have been received and the leave encashment

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amount has already been claimed. The contention of the learned counsel for the respondents is that as per procedure until the leave encashment certificate is duly audited from the authority and the ~~bill~~ passed by FCDA WC Chandigarh, the payment cannot be made.

4. We have heard the learned counsel for the parties and have carefully perused the records of this case.

5. As far as the factual aspect is concerned there is no dispute as regards the claim of the applicants in as much as further steps have been taken to get the claims audited from the competent authority. The interest of justice would meet if certain time is fixed in the matter with appropriate direction to the respondents in the matter. In this view of the matter, I pass the order as under:-

"The Original Application is allowed. The respondents are directed to make payment of due leave encashment to the applicants within a period of two months from the date of receipt of a copy of this order. It is further directed that if the due amount is not released within the period of two months, interest @ 9% on the due amount shall become payable on expiry of the said period. No order as to costs.



(J.K. Kaushik)
J udg. Member

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