

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

CALCUTTA

No. O.A. 1286/97

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

SUKHENDU KUMAR CHAKRABORTY

VS

UNION OF INDIA & ORS.

For the applicant : Mr. M. Lal, counsel

For the respondents : None

Heard on : 15.2.99

O R D E R

Order on : 15.2.99


Heard ld. counsel for the applicant. None appears for the respondents. The respdts. did not file any reply to the O.A..

2. In this O.A., the applicant stated inter alia that he retired on 1.11.89 and on retirement he was paid all post-retirement benefits except leave salary. According to him, he was paid leave salary only for 57 days instead of 240 days as per rules. It is stated by the applicant that while he was in service he used to submit RMC for most of the sick period/alongwith an app. to adjust the same from his LAHP due. But there is no machinery to verify the procedure. On retirement he came to know that most of the sick period was adjusted from his due LAP instead of LAHP causing this problem. According to the applicant he rendered service from 18.3.51 to 31.10.89 and he earned leave on half average pay LAHP at the rate of 20 days per year and hence he was denied leave average salary for  $(240-57) = 183$  days. He submitted several representations to the authorities stating his claim. It is stated that his claim was considered by the Pension Adalat and they certified that the leave record of the applicant was re-examined and there was no discrepancy. So, leave & salary has been paid

to the applicant correctly.

3. Feeling aggrieved by and dissatisfied with the said remarks, he served notice through his advocate to the respdts. But the respdts. did not take action in this regard. He sent one corrigendum notice dated 10.11.97 (Annexure 'G' to the app.) to the respdts. Id. counsel appearing on behalf of the applicant submits that specific direction was given to the authorities on 13.1.99 for filing reply and producing documents. Since the respdts. did not produce connected documents contempt proceeding ought to have been drawn against them.

4. I have considered the submissions of ld. counsel for the applicant. Since none appears for the respdts., I have gone through the records. I find that Pension Adalat had considered the matter of the applicant and passed the order that the applicant's leave salary has been re-examined and there was no discrepancy. So, the applicant has been paid leave salary correctly. But the said order dated 19.11.96 does not disclose how the leave salary was calculated. It is not clear as to whether the grievance of the applicant was duly considered by Pension Adalat or not. In the representations of the applicant it is mentioned that his leave salary was adjusted against LAP instead of LAHP and that deprived him from getting encashment of leave salary on retirement. Since the respdts. did not file any reply or produced documents inspite of direction upon them, I have no other alternative than to presume that the respdts. have no ground to deny the claim of the applicant. Accordingly, the application is allowed with a direction upon the respdts. to pay leave ~~salary benefit~~ to the applicant for 240 days instead of 57 days and balance amount should be paid after deduction of 57 days' leave salary which was already paid to the applicant within three months from the date of communication of this order. But regarding the claim of interest as alleged by the applicant, I reject such claim of interest on the amount of leave salary. Accordingly the application is disposed of awarding no costs.

  
( D. PURKAYASTHA )  
MEMP