

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 172 of 2013

Wednesday, this the 11th day of June, 2014

CORAM:

Hon'ble Mr. George Paracken, Judicial Member

G.R.Vsanthan
 S/o.G.Raghavan
 Vismrith Nivas
 Padinjattankara
 Neeleswaram P.O
 Kottarakkara
 Kollam District
 (Retired as Colony Gangman,
 SE/W/O/SCT, Madurai Division
 Southern Railway)

- Applicant

(By Advocate Mr.R Premchand)

Versus

1. The General Manager
 Southern Railway
 Headquarters Office
 Park Town P.O
 Chennai - 3
2. The Divisional Railway Manager
 Madurai Division
 DRM Complex
 Southern Railway
 Madurai, Pin - 625 016
3. The Senior Divisional Personnel Officer
 Divisional Office
 Personnel Branch
 Madurai Division
 Southern Railway
 Madurai - 625 016

- Respondents

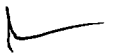
(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 11.06.2014, the Tribunal on the same day delivered the following:

ORDER

The applicant has filed this Original Application seeking a direction to the respondents to grant him cash equivalent of leave salary in respect of leave on average pay at his credit on his retirement on 30.04.2012. In this regard the applicant has referred to Annexure A-3 statement given to the respondents showing that he had 59 days of LAP and 40 days of LHAP at his credit as on 30.4.2012.

2. The respondents have filed their reply stating that during the period of his service from 4.9.1975 to 30.4.12, the applicant's qualifying service was 24 years and the non-qualifying service was 12 years and 5 months. The aforesaid non-qualifying service mainly due to his absence from duty for different spells i.e; 153,292, 39, 241, 142 and 183 days during the years from 1983-1985, and 115,221 days during the years 1987-1988 and 671, 366, 200, 487 and 394 days during the years 1991-96 and 243 days in the year 2001. They have also stated that the Department was all along reworking the payments made to him and the annual increments due to him, throughout his service because such absence. They have also stated that as per the existing procedure, 15 days of LAP/EL is credited at the beginning of every half year i.e; on 01 January and 01 July of the respective years. However, at the time of retirement the records pertaining to the entire service of the employee is required to be scrutinized and only thereafter the total period of his qualifying service is determined. In the case of the applicant, in the Annexure A-1 document which is a computer print out, it was shown that he had 59 days of LAP and 40 days of LHAP, but after scrutinising his entire leave period, it was found that he had already



availed of 29 days of excess LAP, for which he had been paid. Accordingly, an amount of Rs.8627/- representing the aforesaid period has been recovered from his composite transfer grant, at the time of retirement.

3. I have heard the learned counsel for the parties and perused the documents. In view of the factual position explained by the respondents in their reply statement, I do not find any merit in the contention of the applicant in this Original Application. Accordingly this Original Application is dismissed. There shall be no Order as to cost.


(GEORGE PARACKEN)
JUDICIAL MEMBER

SV