

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.236/98

Monday this the 16th day of February, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

N.Krishnan Nair,
Temporary Status Casual Mazdoor (Retd)
Railway Mail Service (TV Division)
Head Record Office, Thiruvananthapuram. ...Applicant

(By Advocate Mr. G.Sasidharan Chempazhanthiyil)

Vs.

1. Senior Superintendent
Railway Mail Service
'TV' Division,
Thiruvananthapuram-3.
2. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
3. Union of India represented by its
Secretary, Ministry of Communications,
New Delhi. ...Respondents

(By Advocate Mr.James Kurien, ACGSC)

The application having been heard on 16.2.1998, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who served the respondents as a casual
labourer with temporary status with effect from 29.11.89
retired on superannuation on 30.6.97. His grievance is that
while he is entitled to leave of all kinds and therefore
encashment of Earned Leave to his credit, the respondents
have not given him the cash equivalent of the Earned Leave
despite demand made by him through a lawyer's notice dated
1.12.1997 (A3). Therefore, the applicant has filed this
application for a declaration that he is entitled to
encashment of leave on retirement and for a direction to the
respondents to act accordingly.

2. When the application came up for hearing today, learned counsel for the respondents agreed that the application may be disposed of with appropriate direction to respondents to take a decision on the claim of the applicant for encashment of Earned Leave made through the lawyer's notice A3 in accordance with the rules, instructions and scheme and give the applicant a speaking order within a time to be stipulated by the Tribunal.

3. In the result, the application is disposed of with a direction to the second respondent to consider the claim of the applicant for encashment of Earned Leave in the light of the rules, instructions and the scheme and to give the applicant a speaking order within a period of two months from the date of receipt of a copy of this order and the third respondent is directed to clarify the issue, if the second respondent postulates any doubt regarding the eligibility of the applicant so as to enable the second respondent to give a speaking order within the aforesaid period. There is no order as to costs.

Dated the 16th February, 1998.



A.V. HARIDASAN
VICE CHAIRMAN

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