

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

OA No. 441/2005

Date of Order: 21/7/2005

Shakti Nath Jha, Applicant.

By Advocate – Shri I. D. Prasad

Versus

Union of India & Ors. Respondents

By Advocate - Shri M.K. Mishra.

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member(J)

O R D E R (ORAL)

Sadhna Srivastava, Member(J)

The applicant seeks a direction to the respondents to pay the amount of leave encashment, further seeks interest on delayed payment of DCRG.

2. Applicant's case is that he was superannuated from the post of Assistant Station Director, AIR on 31.1.2001. After a long delay he was paid his pension and other retiral benefits except leave encashment. In para 4.5 of the OA, he has submitted that the DCRG was sanctioned for Rs. 2,53,655/-. A part of DCRG amount of Rs. 1,22,054- was paid on 9.1.2003 and the remaining amount was paid in the month of September, 2003 after the direction issued by this Tribunal in OA No. 249/2003, wherein the direction was to dispose of the pending representation of the applicant by a reasoned and speaking order. After receipt of amount of DCRG, the applicant made representations dated

B

4.6.04 and 11.12.04 to the respondents for payment of leave encashment. It is apparent from Annexure A/5 that the respondent no. 4 again requested respondent no. 2 for an order for payment of leave encashment to the applicant, but neither any payment was made nor any order was passed. It is submitted by the applicant that on 3.5.2005, a legal notice was sent to respondent no. 1,2 and 4 for payment of the amount of leave encashment but no action has been taken by them.

3. Heard the learned counsel for the applicant and the learned Sr. Standing Counsel for the respondents.

4. Before coming to the Tribunal, the applicant has filed several representations to the concerned authorities and it is apparent from the record that the matter is being under consideration and appropriate action is being taken on his representations but in spite of all these no final order whatsoever has been passed by the respondents till date. In the facts and circumstances of the case, it is submitted on behalf of the applicant that while treating this OA as a representation, some time bound direction may be given to the respondents to decide the case of the applicant at the earliest possible.

5. I have heard the learned counsel for the parties and after taking into consideration that the representations filed by the applicant are still pending with the respondents, I am of the considered opinion that the present OA can be disposed of at the admission stage itself by giving direction to the respondents.

6. Having said so, the respondent no. 4 is hereby directed to examine the case of the applicant in the light of documents submitted by the applicant with this OA and thereafter pass a speaking

and reasoned order in accordance with law treating the OA as another representation of the applicant within a period of three months from the date of receipt of copy of this order. If it is found that the applicant is entitled for payment of leave encashment, his prayer regarding payment of interest shall also be considered by the authority while deciding the representation. It is needless to say that I have not expressed any opinion on the merit of the case.


(Sadhna Srivastava)/M(J)

srk/

