

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.No. 418/95

Date of Decision 14-3-96

Shri M.V. Misal Petitioner

Shri R.D. Deharia Advocate for the Petitioner.

Versus

Union of India & Others Respondent

Shri R.R. Shetty Advocate for the Respondents.

Coram:

The Hon'ble Mr. V. Ramakrishnan, Member (A)

The Hon'ble Mr. -

1. To be referred to the Reporter or not? No
2. Whether it needs to be circulated to other Benches of the Tribunal? No


(V. Ramakrishnan)
Member (A)

ssp.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, GULESTAN BUILDING NO. 6
PRESOCOT ROAD, FORT, BOMBAY 400001.

O.A. NO. 418/95

Dated this 14th day of March 1996.

CORAM : Hon'ble Shri V. Ramakrishnan, Member (A).

Shri M.V. Misal

By advocate Shri R.D. Deharia ... Applicant

v/s

Union of India & Others

By advocate Shri R.R. Shetty
Central Govt. Standing Counsel ... Respondents

O R D E R (ORAL)

(Per: Hon'ble Shri V. Ramakrishnan, M (A)).

The applicant who retired from the Central Railway has approached the Tribunal for direction to the Respondents for grant of full pension at 50% of the average emoluments and also has claimed leave encashment for 237 days.

2. After hearing Shri Deharia for the applicant and Shri Ravi Shetty for the Respondents, I find that the Department has released whatever pension was due to him. Shri Deharia also submits that he is satisfied so far this aspect is concerned but states that the applicant has been paid leave encashment only ^{for} 113 days whereas according to his calculation he had accumulated leave for a period of 237 days as he was regular in his attendance.

From pre-page:

3. Shri Ravi Shetty for the Respondents has produced relevant leave account and has also shown the same to the counsel for the applicant. It transpires from ^{allow} the leave ~~which~~ are maintained by the Respondents that the applicant had to his credit 113 days of leave as on the date of his retirement and accordingly leave encashment has been calculated and the payment made. The applicant has not shown anything to substantiate his claim that he is entitled to leave encashment for another 124 days and there is no reason for disbelieving the official version. However, if he is in a position to produce convincing material in this regard, he is at liberty to do so. The applicant has to file a detailed representation to the Respondents within two weeks from today enclosing the requisite evidence to show that the leave at his credit as on the date of his retirement was more than 113 days. The Respondents will dispose of such representation within four weeks from the date of receipt of the same and take a decision after considering whatever material is produced by him as proof for the additional claim.

4. With the above observations/directions, the present O.A. is finally disposed of.


(V. Ramakrishnan)
Member (A)

ssp.