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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD :

MA 261/90

Date of Order : 28-6-90.

AND
OA 328/90

P.Mahaboob Khan

...Applicant

Vs.

1. Chief Personnel Officer,
South Central Railway,
Secunderabad.
2. Sr.Divisional Personnel
Officer, SC Railway,
Vijayawada.
3. Sr.Divisional Accounts Officer,
SC Railway, Vijayawada.

...Respondents.

Counsel for the Applicant : Shri M.Balakrishna Murthy

Counsel for the Respondents: Shri NR Devaraj, SC for Rlys.

CORAM:

HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

HON'BLE SHRI D.SURYA RAO : MEMBER (JUDICIAL)

(Judgment of the Bench dictated by Hon'ble
Shri D.Surya Rao, Member (J)).

The applicant herein is a retired Class-IV employee of the South Central Railway. His claim is that the pensionary benefits due by way of provident fund and full amount of pension have not been duly paid to him. His grievance is that only an amount of Rs.3,510/- was paid from out of the Provident Fund. According to him a sum of Rs.7,000/- and odd is still due to him from his provident Fund accumulations. In regard

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to Pension his case is that for certain periods he had applied for Sick leave (Medical Leave) but it was treated as Leave on Average Pay and consequently there is a reduction in the terminal benefits due to him.

2. We have heard the learned counsel for the applicant Shri M. Balakrishna Murthy and Shri NR Devaraj, Standing Counsel for the Railways. Shri Devaraj has taken notice at the stage of admission on our direction. We find from the material papers that the applicant was informed by a letter from the General Manager's Office in No.P/177/T/Rep/GM/BZA/PMK dated 17-10-1988, that in regard to payment of Provident Fund, the correct amount due was paid to him and he may attend the Sr.D.A.O. Office in this regard for verification of the records on any day convenient to him. In regard to less payment of leave salary it was stated that the applicant while in service had not applied for commutation of leave on Half Average Pay, and hence the periods in question had been treated as Leave on Average Pay. The applicant in his reply to the letter dt.17-10-88 stated that he has traced out the copies of the leave applications and he was entitled to have been granted leave on Half Average Pay. He has given this infor-

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mation in his letter dt.27-1-1990. While doing so, he insisted that for the purpose of verifying the records, he should be provided with the travel facility by the Railways. It is thus clear that the applicant has not so far not attended the office of the Sr. D.A.O. for verifying the PF particulars or in support of his claim that he had applied for Medical Leave during the sick period. The applicant has thus obviously not exhausted the remedies available to him before approaching the Tribunal. Hence the application is liable to be dismissed. However in view of the fact that the applicant is a low paid employee and since the respondents themselves directed him to meet the concerned officer to verify the PF amounts due to him, the applicant is directed to meet the Sr.DPO for redressal of his grievance. We further direct the Sr.DPO, Vijayawada also to consider the representation of the applicant and to give him a detailed order in regard to his claim that he is entitled to have the Sick Period treated as Leave of Half Average Pay. The applicant is directed to make his representation personally to

the Sr. D.

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to the Sr.D.P.O., Vijayawada in this regard within one month from the date of receipt of this order. The main application is accordingly dismissed without costs but with the above directions. Consequently M.A.328/90 for condonation of delay is also disposed-of.

B.N. Jayasimha
(B.N.JAYASIMHA)
Vice-Chairman

D. Surya Rao
(D.SURYA RAO)
Member (J)

Dated: 28th June, 1990.
Dictated in Open Court.

S. Suryanarayana
Sd/DEPUTY REGISTRAR(J)

avl/

TO:

1. The Chief Personnel officer, south central railway, Secunderabad.
2. The Senior Divisional personnel officer, S.C.Railway, Vijayawada.
3. The Senior Divisional Accounts officer, S.C.Railway, Vijayawada.
4. One copy to Mr.M.Balakrishna Murthy, Advocate, 49-35-27, Abidnagar, Akkayyapalem, Visakhapatnam-530 016.
5. One copy to Mr.N.R.Devaraj, SC for Railways, CAT, Hyd.
6. One spare copy.

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APPROVED BY [Signature]

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COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA: V.C. ✓
AND
THE HON'BLE MR. D. SURYA RAO: MEMBER (JUDL.)
AND
THE HON'BLE MR. J. NARASIMAHAMURTHY: M(J)
AND
THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATE : 28.6.90

~~ORDER~~ / JUDGMENT ✓

M.A./B.A./C.A./No. 261/90 in

F.A.No. W.P.No.

O.A.No. 328/90

~~Admitted and Interim directions Issued.~~
~~Allowed.~~

~~Dismissed for default.~~

~~Dismissed as withdrawn.~~

~~Dismissed. No costs~~ ✓

~~Disposed of with direction.~~

~~M.A. ordered/Rejected.~~

No order as to costs.

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[Stamp: JUDICIAL, HYDERABAD BENCH, 28.6.90]
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