

(47)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD
O.A. NO.464 of 1993.

Between

Dated: 17.2.1995.

B.Shankar Rao

...

Applicant

And

1. Underabad (BG) Division, South Central Railway, Secunderabad, Sanchalan Bhavan, Secunderabad.
2. The Senior Divisional Personnel Officer, SC(BG) Division, S.C.Railway, Sanchalan Bhavan, Secunderabad.
3. The Senior Divisional Accounts Officer, Secunderabad (BG) Division, S.C.Railway, Sanchalan Bhavan, Secunderabad.

... Respondents

Counsel for the Applicants : Sri. B.S.Thakur

Counsel for the Respondents : Sri. V.Bhimanna, Addl. CGSC

CORAM:

Hon'ble Mr. A.V.Haridasan, Judicial Member

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-



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O.A.No.464/93

Date of Order: 17.2.1995

X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

The grievance of the applicant is that he was not paid the full amount due to him on account of encashment of leave at the time of his retirement on 30.4.90. He claims that he is eligible to 74 days of leave encashment in addition to what has already been granted to him by the respondents.

2. The respondents in their reply affidavit stated that an amount of Rs.16,141/- towards leave encashment for the period of 121 days leave which was to his credit was paid to him at the time of his retirement on 30.4.90. The applicant was not satisfied on the correctness of the clarification made by the respondents and on considering his representation it was found that he was entitled to another 45 days of leave for encashment. Accordingly the respondents paid a sum of Rs.6,003/-. Thus, in all the respondents came to the conclusion that the applicant was entitled to 166 days of leave encashment and paid the sum accordingly. Still not satisfied, the applicant claimed for additional 74 days of encashment of leave by means of this application.

2. When this case came up for hearing we directed the respondents to show the leave record to the applicant or his counsel for verification. This was done and consequently a memo was filed by the counsel for the applicant giving a summary of his findings after due verification of the leave account of the applicant. The summary would disclose that there was still a discrepancy to the tune of 62 days in the details of leave as recorded and as should have been recorded.

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3. In reply to the afore-stated finding of the applicant's counsel, learned counsel for the respondents has brought to our notice that the credit balance shown as on 1.7.75, 1.1.85 and 1.7.87, totalling to 45 days was already taken note of by the respondents when they initially considered the representation of the applicant and detected ----- of the respondents' counsel is that for the said 45 days the applicant was already paid the amount due to him towards leave encashment. Consequently the area of discrepancy is now restricted to only 17 days.

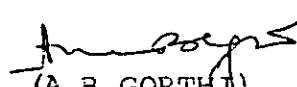
3. Learned counsel for the applicant still insists that in the absence of proper maintenance record by the respondents he was not able to fully establish the fact that the applicant was entitled to 74 days of leave encashment as originally claimed in this OA. Had the respondents maintained the record properly it would not have been difficult to bring out the correct number of days of leave to the credit of the applicant.

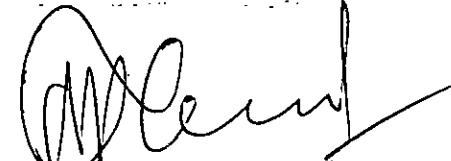
4. The applicant retired from service on 30.4.90 and this OA which was filed in 1993 came up for consideration/hearing on a number of occasions. It would be futile ^{to} further inquire into this matter particularly in the circumstances which indicates that the leave record was not properly maintained. There is however no doubt that the respondents must share responsibility for failure to correctly calculate the number of days of leave to the credit of the applicant on the date of his retirement. It was on account of this the applicant was driven to this Tribunal to claim what was indeed due to him. In the afore-stated circumstances, we direct the respondents to pay the applicant the amount due

(E.G.)

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to him for the additional 17 days of leave which should have been included to his credit at the time of his retirement. The amount so calculated will be paid to him together with interest at the rate of 12% from the date of his retirement (30.4.91 till the date of -----). This is a case where, without any doubt, the applicant was unnecessarily forced to come to the Tribunal on a matter which the respondents themselves could have easily resolved by a fair application of their mind and addition towards the representation made by the applicant. In view of this, we deem it just and proper to direct the respondents to pay costs Rs. 1,000/-, which shall be paid within 2 months from the date of communication of this order.


(A.B. GORTHI)


(A.V. HARIDASAN)

Dated: 17th February, 1995

(Dictated in Open Court)

sd


14-2-95
Deputy Registrar (Judl.)

Copy to:-

1. The Divisional Railway Manager, Personnel Branch, Secunderabad (BG) Division, South Central Railway, Sanchalan Bhavan, Secunderabad.
2. The Senior Divisional Personnel Officer, SC (BG) Division, S.C. Railway, Sanchalan Bhavan, Secunderabad.
3. The Senior Divisional Accounts Officer, Secunderabad (BG) Division, S.C. Railway, Sanchalan Bhavan, Secunderabad.
4. One copy to Sri. B.S. Thakur, advocate, 6-1-103/20, Abhinav Nagar, Padmarao Nagar, Secunderabad.
5. One copy to Sri. V. Shimanna, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

OA 464/93

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(R)

DATED : 17/2/93

ORDER/JUDGEMENT

~~M.A/R.P/C.P.No.~~

D.O.A. NO.

464/93

Admitted and Interim directions
issued

Allowed

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Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

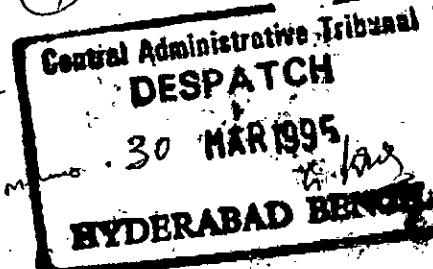
Rejected/Ordered

(No order as to costs.

No Spare Copy
YLR

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CO
Pl check w/ the
operative system
for funds
Pl enclose costs memo



Enc

Recd