

23

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
HYDERABAD

O.A.NO.973/94

Between:

Date of Order: 14.6.95.

G. A.T. Mahima Raj

...Applicant.

And

1. Senior Divisional Personnel Officer,  
South Central Railway,  
Vijayawada.
2. Divisional Railway Manager,  
South Central Railway,  
Vijayawada.

...Respondents.

Counsel for the Applicant : Mr.G.V.Subba Rao,

Counsel for the Respondents : Mr.Jalli Siddaiah, Addl.CGSC,

CORAM:

THE HON'BLE SHRI A.B.GORTHY : MEMBER (A)

contd...

(24)

O.A.No. 973/94

2

Date of Order: 14.6.95

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

- - -

The applicant who retired on 30.6.94 while working as Senior Goods Driver claims by means of this OA for a direction to the respondents to give him the credit of LAP for 240 days instead of 190 days as was fixed by the respondents.

2. The relief claimed is short and simple. It can be easily verified from the leave account of the employee and determined either way. The respondents were therefore directed to produce the leave record because in their counter affidavit they reiterated that the applicant had to his credit only 190 days of leave.

3. Today the departmental representative has produced the service record of the applicant together with the leave account. Xerox copies of the same are taken on record. The said leave account is maintained in such a manner that it would be humanly not possible to come to a conclusion <sup>with any</sup> ~~that~~ decree of certainty. The leave account is incomplete. It also <sup>has</sup> ~~as~~ innumerable alterations and mutations which come in the way of ascertaining the final figures with reasonable accuracy. For the year 1983-84 the leave account sheet <sup>half</sup> ~~portion~~ is torn away and is not there. If the department concerned produces such ill maintained record ~~before a court or Tribunal~~, no Court or Tribunal can base its judgement on such material, that too, to the <sup>detriment</sup> ~~detriment~~ of the applicant.

2

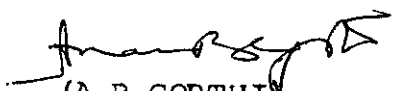
25

.. 3 ..

4. In the aforesaid circumstances it will be very difficult to come to the conclusion that the claim of the applicant deserves to be dismissed. ~~It is not possible to substantiate~~ the claim of the applicant, the fact however remains that the material produced before me does not inspire confidence so as to make it the basis for rejection of the applicant's claim. In these circumstances the applicant's claim has to be allowed. The respondents ~~are the advocates of leave~~ encashment to the tune of 240 days as claimed by the applicant.

Before I part with  
5. ~~As to~~ the case I am constrained to observe that ~~the~~ <sup>in a</sup> matter of financial <sup>importance,</sup> records must be maintained scrupulously correct. It is open to the concerned authority to enquire into the matter and take appropriate <sup>against</sup> action ~~to~~ the concerned official responsible for such tardy maintenance of the leave account of the applicant. This OA is being allowed for no other reason than the fact that the respondents have not been able to refute the claim of the applicant with the help of any cogent and convincing material.

6. O.A. is allowed accordingly. Respondents to comply with our directions with regard to encashment of leave within a period of three months from the date of communication. No order as to costs.

  
(A.B. GORTHI)  
Member (Admn.)

Dated: 14th June, 1995

( Dictated in Open Court )

sd

  
DEPUTY REGISTRAR(J)

Contd...

OA 973/94

TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE SHRI A.V. HARIDASAN: MEMBER (3)

AND

THE HON'BLE SHRI A.B. GORTHY: MEMBER (4)

DATED: 14-6-95

ORDER/JUDGMENT

M.A.NO/R.P.NO./C.P.NO.

in

O.A.NO. 973/94

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

No spare copy

YLKR

