

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 1394/94.

Dt. of Decision : 4.1.95.

Pochaiah

.. Applicant.

Vs

1. Divisional Railway Manager, M.G.,
Hyderabad Division, SCRly, Sec'bad.
2. Sr. Divisional Accounts Officer,
Hyderabad Division, SC Rly,
Secunderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT

Counsel for the Respondents : Mr. J. Siddaih, SC for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN

O R D E R

Heard Shri S. Lakshma Reddy, learned counsel for the applicant and also Shri J. Siddaiah, learned standing counsel for the Respondents.

2. The applicant who retired from service on 31-10-92 as Mail Driver filed this OA praying for a direction to the Respondents to pay the applicant the amount for the remaining 146 days of leave by way of encashment and the balance of PF due to him with interest at the rate of 24% per annum.

3. It is stated for the Respondents that the applicant was having only 86 days of Earned leave and the amount by way of encashment of the same was already paid to him. The Respondents also filed the extract of the leave account of the applicant. It discloses that the applicant was having only 86 days earned leave by the date of his retirement.

4. It may be noted that as the applicant was a ~~mail driver~~, in the same leave chart. But as the earned leave for some dates was only for a few days and at times even for one or two days, it is urged for the applicant that the C.L might have been debited to the E.L. But as original/applications are not preserved, there is no possibility of verifying it from the original leave applications. It is not unusual for an employee

to apply for E.L even for one or two or 3 days so as to avail C.L at a stretch to the maximum period allowed and hence ~~merely~~ because the E.L account shows that the applicant was said to have applied for E.L for one, two or 3 days at times, the same has to be doubted. Hence in view of the material on record and in these circumstances, the leave chart prepared for the Respondents in regard to the applicant has ^{accepted} to be asserted. Accordingly, the OA in regard to the said relief has to be dismissed.

5. The Respondents submitted the xerox copies of the P.F account of the applicant from 1st ~~....., 1980, wherein the opening balance was known as~~ Rs. 4246/-. It is stated for the applicant that he was having about Rs. 20,000/- as opening balance. As it is a matter for verification, it is just and proper to pass the following direction.

"R2 is directed to permit the applicant to come with his friend or a relation to verify his P.F account for the period prior to 1-4-87. R2 has to inform the applicant about _____ he has to come to verify the PF account. The applicant can further be permitted to verify the relevant records in regard to withdrawals if they are available."

(R. RANGARAJAN)
Member (Admn.)

Call on 23-1-95. (V. NEELADRI RAO)
Vice-Chairman

- Open court dictation

Dv-Registrar(J)CC

To

1. The Divisional Railway Manager, M.G.
Hyderabad Division, SC Rly, Secunderabad.
2. The Sr. Divisional Accounts Officer, Hyderabad Division,
S.C.Railway, Secunderabad.
3. One copy to Mr.S.Lakshma Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.J.Siddaiah, SC for Rlys, CAT.Hyd.
5. One copy spare.

urgent
TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN
AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMN)

DATED: 11-1-1994

ORDER/TIMING

M.A./R.A/C.A.No.

O.A.No. 1394/94

T.A.No.

Admitted and Interim directions
issued.

Allowed. *Call in 25/1/95*

Disposed of with directions.

Dismissed.

Dismissed for default.

Ordered/Rejected

No order as to costs.

DVM

