

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.NO.25 of 1996.

Between

Dated: 23.2.1996.

B.Sundara Rao

... Applicant

And

1. The Divisional Personnel Officer, South Central Railway, Vijayawada.
2. The Divisional Railway Manager, South Central Railway, Vijayawada.
3. The Divisional Accounts Officer, South Central Railway, Vijayawada.

... Respondents

Counsel for the Applicant : Sri. Mehar Chand Noori

Counsel for the Respondents : Sri. V.Rajeshwar Rao, SC for Railways.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

(15)

J U D G E M E N T

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

* * *

The applicant had voluntarily retired from the post of Driver on 15.2.95. He submits that his leave chart has not been properly maintained and because of that he was not paid the leave encashment salary as per rule. Aggrieved by the above he ~~has~~ filed this OA for a declaration that the action of the respondents in not paying him the earned leave amount from 10.5.63 to 1995 and leave half pay for 650 days as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and for a consequential direction to the respondents to pay the applicant the leave encashment amount and leave half pay with interest.

2. The applicant had sent a legal notice dated 31.10.95 (A-4) that notice is yet to be replied. As the construction of the leave chart has to be done on the basis of the factual verification of the records it is justifiable if R1 is directed to checkup the relevant records and reply the legal notice at Annexure A-4 in accordance with the rules. In the result, the following direction is given:-

3. R1 should check the leave chart of the applicant from the date of his joining railways till the date he voluntarily retired and give a suitable reply to his legal notice dated 31.10.95 at Annexure A-4 on or before 15.5.1996. If the applicant is aggrieved by the reply to be received, he is free to approach this Tribunal by filing a fresh OA under Section

16

.. 3 ..

19 of the AT Act.

4. The O.A. is ordered accordingly at the admission stage itself. No costs.



(R.RANGARAJAN)
Member (Admn.)

Dated: 23rd February, 1996

(Dictated in Open Court)

sd


11-3-96
Deputy Registrar (Judl.)

Copy to:-

1. The Divisional Personnel Officer, South Central Railway, Vijayawada.
2. The Divisional Railway Manager, South Central Railway, Vijayawada.
3. The Divisional Accounts Officer, South Central Railway, Vijayawada.
4. One copy to Sri. Mehar Chand Noori, advocate, CAT, Hyd.
5. One copy to Sri. V.Rajeshwar Rao, SC for Railway, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

29/12/96

09-25/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

R. Ranga Rajan
HON'BLE SHRI A. B. GORTHI : MEMBER(A)

HON'BLE SHRI

DATED: 23/12/96

ORDER/JUDGMENT

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

IN

O.A. NO. 25/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS *of ten submisi* *sts*

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

No Spcll Copy

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केन्द्रीय प्रशासनिक अधिकारण Central Administrative Tribunal प्रेषण/DESPATCH
18 MAR 1996
हैदराबाद न्यायालय HYDERABAD BENCH

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