

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :HYDERABAD BENCH
AT HYDERABAD

OA.612/97

dt.19-3-98

Between

S. Velayudhan

: Applicant

and

1. Divisional Rly. Manager
Hyderabad Division
Secunderabad

2. General Manager
SC Rly., Rail Nilayam
Secunderabad

: Respondents

Counsel for the applicant

: G.V. Subba Rao
Advocate

Counsel for the respondents

: C.V. Malla Reddy
SC for Railways

Coram

Hon. Mr. H. Rajendra Prasad, Member (Admn.)

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Order

Oral order (per Hon. Mr. H. Rajendra Prasad, Member (Admn.))

Heard Mr. G.V. Subba Rao for the applicant and Mr. C.V. Malla Reddy for the respondents.

1. The applicant rendered service in the Railways from 20-5-1964 and, after serving there for nearly 32 years, retired on 31-3-1996. According to him he was never apprised of his leave entitlement at any point of time throughout his service. At the time of his retirement no leave encashment was allowed in his favour, and subsequently on his representation Rs.15,210/- representing the encashment of 80 days' leave was issued. The applicant feels that he is entitled to a higher amount on this count since the leave at his credit was definitely more than 80 days. He is, however, not able to specify the precise quantum of leave except vaguely stating that he has 240 days of leave at his credit. Nor does he have any document to prove his claim. This is understandable in part because the entire record is with the authorities and no employee could normally have the precise details of his leave entitlement unless the same is spelt out by the concerned authorities from time to time, as required by rules. Oddly enough in this case the authorities themselves seem to be needlessly imprecise about the quantum of leave at the credit of the applicant, partly on the ground that the applicant's leave charts for the periods between 1-1-1972 to 31-12-1997 and from 1-1-1985 to 31-7-1985 are not traceable.

2. In the result, we have here a situation where neither of the two parties have any clear idea of the exact quantum of

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leave which was at the credit of the applicant on the date of his retirement. In order to resolve this problem, it would seem necessary to have the applicant's leave account reconstructed, with the help of his Service Register, from the date of his appointment to the date of his retirement. This may be done within 120 days from the date of receipt of a copy of this order. It would be desirable that the applicant is apprised of the actual basis on which the final ^{ment} entitlement is arrived at and the same be communicated to him. This would mean that, in case the applicant wants to satisfy himself of his entitlement with reference to his Service Register, (or any other relevant documents) he should be allowed an access and the facility of referring to the documents.

3. It is submitted by the respondents that they have already initiated action to sanction encashment of additional ^{of leave} 70 days to the applicant. The applicant states that he has not so far received any sanction or amount on this score. This part of the sanction needs to be expedited. With this a total of 150 days will have thus been encashed by the applicant. The remaining disputed quantum would thus be limited only to 90 days. The exercise indicated above shall also be, therefore, confined to this residuary ^{period of} 90 days.

4. Thus the OA is disposed of.

(H. Rajendra Prasad)
Member (Admn.)

Dated : March 19, 98
Dictated in Open Court

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Deputy Registrar