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Date of Decision: 05.03.1999

OA 97/99

Dinesh Lal, Retd. Mistry, Loco Foreman, Ajmer, r/o Bhandarion Ka Vas, Sojat City, Distt. Pali.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Mechanical Engineer, Western Railway, Ajmer.
3. Divisional Accounts Officer, Western Railway, Ajmer.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr. Padam Chandra Jain

For the Respondents

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O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Dinesh Lal, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 (for short, the Act), mainly praying for a direction to the respondents to make payment to him of the balance of leave encashment on the basis of the entire period of service rendered by him.

2. Heard the learned counsel for the applicant.

3. Applicant's case is that he was appointed in the Railway under respondents No.2 and 3 on 12.2.1957 as a Khalasi. He retired on 29.2.1996 on attaining the age of superannuation from the post of Mistry at Ajmer. The applicant was granted pension, commutation and DCRG benefits. The applicant was given a cheque of Rs.175771/-, which includes an amount of Rs.10283/- for leave encashment. The applicant was given to understand that the leave encashment of Rs.10283/- was for 74 days leave only because his leave account for the period from 1957 to 1968 was not available at that time. Thereafter, the applicant, through his Advocate, sent a notice dated 26.8.1997 under Section 80 of the Civil Procedure Code to the respondents, at Annexure A-3, but it evoked no response. The learned counsel for the applicant has drawn my attention to the aforesaid notice and states that the said notice may be treated as a representation within the meaning of Section 20 of the Act and he wants the same to be decided through a detailed speaking order on merits.

Civil 4. In the circumstances, the present application is disposed of, at the

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stage of admission, with a direction to respondents No.2 and 3 to decide the applicant's notice dated 26.8.1997, at Annexure A-3, treating the same to be a representation through a detailed speaking order on merits within a period of three months from the date of receipt of a copy of this order. If the applicant is still aggrieved by any decision taken on the said notice, at Annexure A-3, he may file a fresh application. Let a copy of the OA and the annexures thereto be sent to respondents No.2 and 3 alongwith a copy of this order.

C. Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK