

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 24/10/2001

OA 19/2000

Heera Lal s/o Shri Daulat Ram r/o Chokari Topkhana, Hazuri Kothi, Koliyan Nala Mohalla, Ramganj, Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Telecommunication, New Delhi.
2. General Manager Telecommunication District Jaipur, M.I.Road, Jaipur.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.G.L.Verma

For the Respondents ... Mr.Vijay Singh, proxy counsel
for Mr.Bhanwar Bagri

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

The applicant has alleged that at the time of his retirement, on superannuation, on 30.4.97, he has been paid leave encashment for a period of 178 days, while he claims that he had 240 days leave at his credit. He submits that Sub Divisional Engineer (R&E), Jaipur, issued a leave memo dated 7.5.97 showing that 240 + 10 Earned Leave were due at his credit as on 1.1.97. Thus, his plea is that he has received less encashment of leave as the payment of balance 62 days has not been made to him.

2. Respondents placed before us the leave record of the applicant and it is clear beyond doubt that the leave encashment to the tune of Rs.41652/-, which has been paid to the applicant, is correct. Record clearly reveals that as on 30.6.88 the leave to the credit of the applicant were 123 days. Suddenly, the figure of 223 has been mentioned against 123 days for no apparent reason. This also raises a question about the intention of the staff who was handling this leave record. From that day onwards the further addition and subtraction have been done on the basis of 223 days leave, though actually it should have been on the basis of 123 days. Learned counsel for the applicant submitted that if the applicant had been aware of this, he could have regulated availing of his leave. Since he was informed that he had 240 days leave in his credit, he cannot now be put to a loss by giving encashment of less than 240 days. We are, to say the least, amazed on this suggestion. The question is, can an employee be permitted to enrich himself at the cost of exchequer. If a mistake of this nature has occurred, the department is well within its right to correct the same. The employee cannot take a plea that he was not aware how much leave he had earned during his service and how much leave he had availed of. Onus equally lies on him to keep account of his leave. The facts in this case are clear that an error had crept in the record and in fact department should have taken action against the staff handling the leave record. In any case, the applicant ^{has} no force in his plea and this application is totally devoid of merits.

3. We, therefore, dismiss this OA having no merits. No order as to costs.

lmp
(A.P.NAGRATH)

MEMBER (A)

S.K.Agarwal
(S.K.AGARWAL)

MEMBER (J)