

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

CIRCUIT SITTING AT BILASPUR

OA No.1007/2004

Bilaspur, this the 11th day of May 2005.

CORAM

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.A.K.Bhatnagar, Judicial Member

Nityanand
S/o Shri Budhwari
R/o Jyotipur
Pendarroad, Tehsil Pendarroad
Dist. Bilaspur (CG)

Applicant

(By advocate None)

versus

1. Union of India through
the Secretary
Ministry of Railway
New Delhi.
2. The Divisional Railway Manager
South Eastern Railway
Bilaspur (CG)
3. The Senior Divisional Personnel Officer
South Eastern Railway
Bilaspur.
4. The Divisional Safety Officer
South Eastern Railway
Bilaspur.

Respondents.

(By advocate Shri M.N.Banerjee)

O R D E R (oral)

By M.P.Singh, vice Chairman

By filing this OA, the applicant has claimed the following
reliefs:

- (i) To direct the respondents to make payment of leave
encashment amount for 9 months & 8 days to the
applicant with interest till the date of realization.
- (ii) To direct the respondents to reconsider the case
of the applicant for promotion from the year 1997
and to make payment of arrears of difference of
salary of the promotional post and refix the
applicant's pension.
- (iii) To direct the respondents to make payment of
Rs.20,000 to the applicant for Accident Free Service
as the same amount was paid to other employees.



2. The brief facts of the case are that the applicant was appointed on 5.12.1963 as Gangman and subsequently promoted as Gatekeeper on 2.3.2000. Thereafter he retired from service as Gatekeeper. The grievance of the applicant is that he was entitled for leave encashment for 9 months and 8 days but the applicant has been paid leave encashment for 22 days only. The other grievance of the applicant is that juniors to the applicant have been promoted to the post of Gatekeeper in the year 1997 but the same has been denied to the applicant and he was not given promotion from the due date. The applicant has also alleged that lump sum amount of Rs.20,000 in the head of Accident Free Service has not been given to him whereas this amount is being paid to other employees as bonus. Hence this OA is filed.

3. None is present for the applicant. Hence the OA is disposed by invoking the provisions of Rule 15 of CAT (Procedure) Rules 1987.

4. Heard the learned counsel for respondents.

5. The respondents in their reply have stated that before attaining the ^{age of} date of superannuation, the applicant's service record and leave account were thoroughly verified/ reviewed by the Unit Supervisor, Bill Compiling Unit and Associated Accounts Department and it was found that the applicant was due only for 22 days leave i.e. leave average pay due in his account on the date of retirement. Accordingly, he was paid the leave encashment for 22 days leave average pay only. In regard to the contention of the applicant that juniors to the applicant have been promoted from 1997, it is submitted by respondents that the applicant has failed to ^{give the names of the so called juniors} produce any documentary proof in support of his claim. Hence it is not possible to verify the applicant's claim that juniors to the applicant have been promoted from 1997 to the post of Gate Keeper. The respondents have further

stated that a direction be given to the applicant to produce the relevant rule issued by the Railway Board by which the applicant is entitled to receive the payment of lump sum amount of Rs.20,000/- in the Head of Accident Free service, as the respondents are not aware of any such rule or instructions issued by the Railway Board.

6. We have given careful consideration to the rival contentions and we find that the main grievance of the applicant is with regard to the payment of leave encashment for 9 months and 8 days, payment of lump sum amount of Rs.20,000 and also regarding retrospective promotion from the year 1997. During the course of arguments, learned counsel for respondents suggested that the applicant may make a representation giving full details about the rules under which he can be granted Rs.20,000/- and the details of the so called juniors who had been promoted to the post of Gate Keepers from the year 1997. With regard to the leave encashment, learned counsel for respondents submitted that the records relating to the same are available with them and he was due for 22 days which had been paid to the applicant and, therefore, no further amount can be paid to him towards leave encashment.

7. In the facts and circumstances of the case, we deem that ends of justice will be met if the OA is disposed of directing the applicant to submit a representation giving full details of the persons - so called juniors - who had been promoted to the post of Gate Keeper from 1997 and also the rules under which he is entitled to receive Rs.20,000 and if he complies with this within 6 weeks, then the respondents are directed to consider and decide the representation of the applicant by passing a detailed, speaking and reasoned order

W

within a period of three months from the date of receipt of the representation. We order accordingly.

8. The OA is disposed of as above. No costs.

AB
(A.K.Bhatnagar)
Judicial Member

MS
(M.P.Singh)
vice Chairman

aa.

पूछांकन सं. ओ/व्या.....जबलपुर, दि.....
पतिलिपि लाभेधितः—

- (1) सचिव, उच्च वकारा वा एजेसिएशन, जबलपुर
- (2) आकेयक श्री/मिस/.....ये वकारसल
- (3) प्रत्यर्थी श्री/मिस/.....ये वकारसल
- (4) वांगमाला, दृष्टिकोण, वा विद्युत विभाग

to Genda Chalawadi

Yogeshwar Singh

8/204

M.N. Dewanjee

8/203

कृष्ण
कृष्ण रजिस्ट्रेशन

Issued
on 20/5/05
B3