

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,**  
**CIRCUIT COURT SITTING AT GWALIOR**

**Original Applications No 33 of 2004**

Jabalpur, this the 6<sup>th</sup> day of May, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Kunwar Dinesh Singh S/o Shri  
Madhau Lal Ji, Age-62 years,  
Occupation-Retd Deputy S.S.  
Guna(Central Railway),  
R/o 12/83 Jat Mohalla, Guna-  
M.P. 473 001,

Applicant

(By Advocate – Shri C.P.Singh)

**V E R S U S**

1. Union of India,  
Through – The Secretary,  
Ministry of Railways  
Department, Rail Bhawan,  
New Delhi.

2. The Divisional Railway  
Manager, Central Railway,  
Habibganj, Bhopal, M.P.

Respondents

(By Advocate – Shri Raja Sharma on behalf of Shri V.K.Bhardwaj)

**O R D E R**

**By Madan Mohan, Judicial Member–**

By filing this Original Application, the applicant has sought the following main reliefs :-

“i) The concerning respondent be kindly directed to pay GPF for Rs.10,962 which is less paid with due interest till the actual payment is made.

ii) The concerning respondent be further directed to make payment of encashment of leave of 205 days for Rs. 64,595/- with due interest till the actual payment is made.

iii) The concerning respondent be further directed to pay luggage shifting allowance for Rs.9602/- with due interest till the actual payment is made.

iv) The concerning respondent be further directed to refund the recovery towards professional tax wrongly recovered from the applicant.”

2. The brief facts of the case are that the applicant served under the Railway's department and applied for voluntary retirement on account of his personal problems and the same was granted by the department and he was retired w.e.f. 10.2.2000(Annexure-A-1). The department has paid retiral benefits to the applicant but G.P.F., encashment of leave for 205 days and luggage shifting allowance from Guna to home town have not been paid. According to the applicant, he has submitted a detailed representation dated 1.7.2000 (Annexure-A-7) for the aforesaid retiral dues. The respondents have not yet taken any decision on the aforesaid representation. Hence, this OA.

4. At the very out set the learned counsel for the respondents has raised preliminary objections that the applicant has sought multiple reliefs in this OA and the OA be dismissed only on the ground of claiming the multiple reliefs. In this regard the learned counsel for the applicants has stated that he is not claiming reliefs Nos.8.(iii) and 8.(iv) and he is only claiming relief Nos 8(i) and 8.(ii).

5. Heard the learned counsel for the parties and carefully perused the records carefully.

6. The learned counsel for the applicant argued that the respondents have not specifically denied the contention made om tje OA in their reply and they have mentioned in their reply that the leave balance of the applicant was not traceable prior to the period of 30.6.87, hence he was asked to submit contemporary certificate. It was the duty of the respondents to explain about the balance of earned

leave of the applicant. The applicant is also entitled for GPF amount of Rs.10,962/-. But it is still pending with the respondents.

7. In reply, the learned counsel for the respondents argued that the applicant has filed Annexure-A-5 which is a fabricated document. He has submitted that the applicant has manipulated in the original record of the respondents. The copy of the original document is Annexure-R-1 wherein no balance is shown against the column of full pay leave, half pay leave and without pay leave. The applicant has not raised any issue of less payment towards SRPF in his representation dated 1.7.2000(Annexure-A-7). The learned counsel for the respondents has further argued that the applicant has rendered his whole service in Kotal Division of Western Railway. The leave balance of the applicant was not traceable prior to the period 30.6.1987, hence he was asked to submit contemporary certificate. The leave record of the applicant maintained in the office of the respondents is from 1.7.87 to 10.2.2004 (Annexure-R-4). It shows that the leave balance of the Nil and there is some leave without pay, for which recovery is made from the retiral dues. Hence, the applicant is neither entitled for any amount of GPF or encashment of earned leave as alleged by him. The OA is liable to be dismissed.

8. After hearing the learned counsel for the parties and on careful perusal of the records, we find that admittedly the leave balance of the applicant is not traceable prior to the period of 30.9.1987. The applicant was directed to submit the contemporary certificate. We have perused Annexure-R-1 and Annexure-A-5 and both the documents are of same date i.e. 17.1.2000. We find in Annexure-R-1 that there is no leave in credit of the applicant's account whereas in Annexure-A-5 shows that 205 days full pay leave and 240 half pay leave are there in credit of the applicant's account. The applicant did not file any rejoinder and he has not controverted the aforesaid document Annexure-R-1 filed by the respondents. Hence, the


document Annexure-R-1 filed by the respondents seems to be correct . We find that in Annexure-A-3 the applicant has pointed out less credit of only Rs. 905 while he is claiming less payment of Rs.10,962.00. This statement of the applicant is self contradictory. The whole service of the applicant including rendered in Kota division of Western Railway are taken into account for payment of the retiral dues. The SRPF amount was correctly paid including amount deducted at Kota division. The Kota division had transferred the PF of the applicant and the detailed is as under :-

“Opening balance as on 1.4.1987	Rs.10057.00
PF Advance Recovery	Rs. 320.00
Recovery of instalment for April, May, June & July '87	Rs. 585.00
	<u>10962.00”</u>

The same is correctly carried forward and paid. Hence, the respondents have paid all the retiral dues to the applicant and no irregularity or illegality has been committed on their behalf.



9. Considering all the facts and circumstances of the case, we do not find any merit in this OA. Accordingly, the same is dismissed. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....  
प्रतिनिधि काउंसिल:-  
(1) सचिव, उच्च न्यायालय एवं उच्च न्यायालय, जबलपुर  
(2) अध्यक्ष, उच्च न्यायालय काउंसिल  
(3) सदस्य, उच्च न्यायालय काउंसिल  
(4) संयोजक, उच्च न्यायालय काउंसिल

skm

  
P. Singh Dy. Secy  
  
V.K. Bhardwaj Dy. Secy

सूचना एवं आचरण का कार्यवाही हेतु  
16/5/80  
उच्च न्यायालय

gubed  
16/5