

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

5.1.2009

OA 451/2005

Mr.S.K.Jain, counsel for applicant.

Mr.S.P.Sharma, counsel for respondents No.1to3.

None present for respondent No.4.

Heard learned counsel for the parties. The
OA stands disposed of by a separate order.


(B.L.KHATRI)
MEMBER (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 5th day of January, 2009

ORIGINAL APPLICATION NO.451/2005

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Brij Lal Meena,
Chief Law Assistant,
O/o Chief Personnel Officer,
North Western Railway,
Jaipur.

... Applicant

(By Advocate : Shri S.K.Jain)

Versus

1. Union of India through
General Manager,
North Western HQ Office,
Jaipur.
2. Chief Personnel Officer,
HQ Office North Western Railway,
Jaipur.
3. Shri R.C.Mudgal,
Retired Presenting Officer/
Dy.Chief Commercial Manager,
North Western Railway,
Jaipur.

(By Advocate : Shri S.P.Sharma)

4. Shri H.S.Prajapati,
Assistant Personnel Officer Bills,
Present working in the office of
Chief Personnel Officer,
North Western Railway,
Jaipur.

(By Advocate : None)

... Respondents



ORDER (ORAL)**PER HON'BLE MR. B.L. KHATRI**

The applicant has filed this OA against the order dated 20.8.2004 (Ann.A/1A), whereby the Assistant Personnel Officer (Bills), North Western Railway, Jaipur, has issued direction to deduct an amount of Rs.5314/- from salary of the applicant towards pay for nine days. Through this OA, the applicant has prayed for the following relief :

- "(i) That impugned order dated 20.8.2004 (Ann.A/1) and dated 2.9.2004 (Ann.A/7) may be declared illegal and the same be quashed.
- (ii) That by an appropriate writ, direction or order, the respondents be ordered to make payment of the amounts mentioned in para 1(i) 4(ii) as per Ann.A/1 of the OA & 18% per annum on the amount illegally deducted from the salary of the applicant with cost.
- (iii) That the respondents be ordered to maintenance and verification of leave account, service record as service sheet properly as per Railway Board circulars/orders mentioned in this OA.
- (iv) That the respondents be ordered to adjust and entry the leave account of applicant as per Ann.A/9.
- (v) That the respondents be ordered to inform the applicant about relief sought or action taken by the respondents.
- (vi) That any other relief which the Hon'ble Tribunal deem fit may also be awarded."

2. The brief facts of the case are that the APO had observed that the applicant had taken leave against LAP on 7.11.2003, 13.11.2003, 14.11.2003, 24.11.2003 to 28.11.2003, 21.4.2004 to 23.4.2004, 26.5.2004 to 28.5.2004, 7.6.2004, 14.6.2004, 15.6.2004 and 1.7.2004 while no LAP balance was in account of the applicant. Therefore, the aforesaid 18 days leave was counted towards HLAP and since only ½ days salary



was to be given to the applicant, 9 days salary amounting to Rs.5314/- was deducted from the salary of the applicant for the month of August, 2004. The applicant moved a representation, which has been rejected by the CPO. The applicant moved another representation dated 14.9.2004 to the CPO, which has not been decided so far. The applicant has also represented to the General Manager, vide Ann.A/11, dated 15.3.2005, which is also still pending. It was submitted on behalf of the applicant that the applicant has completed 26 years of service in the railway department. The old leave record of the applicant from the date of appointment to August, 2004 has not been produced by the respondents before this Tribunal. A certified copy of the old leave record received from GM(E), Western Railway, Churchgate, Mumbai, vide letter dated 6.7.2000 from the date of appointment to 21.2.92 has been filed as Ann.A/17. Also a certified copy of the leave record sent by PO/RCT/Jaipur to APO (Bills), NWR, Jaipur, vide letter dated 6.9.2004, for the year 2002-2003 is also enclosed as Ann.A/18. The leave record for the period Jan.2004 to Aug.2004, sent by PO/RCT/JP, vide letter dated 3.9.2004, is also filed as Ann.A/19. It has been submitted by the learned counsel for the applicant that the old leave record has not been received from other divisions of the railway. He also contended that the detail of leave account as per Ann.R/3 is incorrect. He also invited attention of the Bench to Ann.A/9 i.e. the leave account prepared by the applicant himself and it was submitted that in spite of specific request and representations the authorities have not appreciated the various documents or certified copies filed by the applicant and they have not taken any step to get them verified from the respective authorities.

[Handwritten signature]

3. Having regard to the facts of the case, I am of the view that in this case appreciation of the facts is required as also the certified copies filed by the applicant as per Ann.A/17, A/18, A/19 & A/9. It is considered necessary to direct the General Manager, North Western Railway, Jaipur, to appreciate all these points while deciding the issue and pass a reasoned and speaking order taking into account all the documents and the representation (Ann.A/11). The applicant may also file a fresh representation to the General Manager within two weeks of this order and the General Manager may decide the issue within one month thereafter, if such representation is received by him within the aforesaid period. If the applicant is still aggrieved, he may approach this Tribunal again.

4. With these observations, the OA stands disposed of. No order as to costs.


(B.L. KHATRI)
MEMBER (A)

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