

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

1.5.2008

OA 327/2006

Mr.C.B.Sharma, counsel for applicant.
Mr.Jai Singh, proxy counsel for
Mr.N.C.Goyal, counsel for respondents.

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


(J.P.SHUKLA)
MEMBER (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 1st day of May, 2008

ORIGINAL APPLICATION NO.327/2006

CORAM :

HON'BLE MR.J.P.SHUKLA, ADMINISTRATIVE MEMBER

S.C.Johar,
S/o Shri H.L.Johar,
R/o 9, Harsh Vihar, Jaipur Road,
Ajmer.

... Applicant
(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through
General Manager,
North Western Zone,
North Western Railway,
Jaipur.
2. Divisional Railway Manager,
North Western Railway,
Ajmer Division,
Ajmer.
3. Dy.Divisional Finance Manager,
C/o Chief Works Manager,
Loco Shop, North Western Railway,
Ajmer.
4. Sr.Divisional Engineer (South),
North Western Railway,
Ajmer.

... Respondents

(By Advocate : Shri Jai Singh, proxy counsel for
Shri N.C.Goyal)

ORDER (ORAL)

PER HON'BLE MR.J.P.SHUKLA

Heard learned counsel for the parties. Vide MA 249/2007, filed by the respondents, which has already been disposed of vide order dated 10.4.2008, it was brought out that a criminal case is pending against the applicant and hence retiral benefits cannot be released in his favour.

2. Today, during the arguments, learned proxy counsel for the respondents produced a copy of the Railway Board's order No.F(E)III/82/LE1/2 dated 29.12.83, which provides as under :

"The matter has been further considered and the President is pleased to decide that the authority competent to grant leave may withhold whole or part of cash equivalent of LAP at his credit, subject to a maximum of 180 days, in the case of a railway servant who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings he will become eligible to the amount so withheld after adjustment of Railway's dues if any."

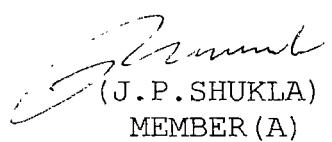
Learned counsel for the respondents submitted that under the facts and circumstances if a criminal case is pending against the applicant, even the leave encashment cannot be released.

3. At this stage, learned counsel for the applicant submitted that leave encashment can be withheld only if there is a possibility of some money becoming recoverable from the applicant on conclusion of the criminal proceedings. Criminal proceedings will take its own care and there seems to be extremely ~~very~~ remote chances for any recovery from the applicant based on the criminal proceedings.

4. After hearing learned counsel for the parties and perusal of the documents on record, it is observed that in the interest of justice it is considered appropriate that the competent authority

may review the case and take a view if there is any possibility of some money becoming recoverable from the applicant on conclusion of the criminal proceedings, and if not, the leave encashment amount due to the applicant may be released within a period of two months from the date of receipt of a copy of this order.

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



(J.P. SHUKLA)
MEMBER (A)

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