

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

JAIPUR, this the 8th day of November, 2006

ORIGINAL APPLICATION NO 50/2006.

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

Om Prakash Raigar,  
s/o Shri Chand Ram Raigar,  
resident of 3501,  
Regon Ki Kothi,  
Regon Ka Mohalla,  
Ghat Darwaja,  
Jaipur.

..Applicant

(By Advocate: Shri Rizwan Ahmed)

Versus

1. Union of India,  
through Secretary,  
Ministry of Tourism,  
New Delhi.
2. The Principal,  
Institute of Hotel Management  
Catering Technology and Applied Nutrition,  
Bani Park,  
Sikar Road,  
Jaipur.
3. The Chairman,  
Institute of Hotel Management  
Catering Technology and Applied Nutrition,  
Government Hostel,  
M.I.Road, Jaipur.
4. The Accounts Officer,  
Institute of Hotel Management,  
Catering Technology and Applied Nutrition,  
Bani Park,  
Sikar Road,  
Jaipur.

.. Respondents

(By Advocate: Shri Amol Kasliwal)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:

- "i) Call for the entire service record of the Applicant for the kind perusal and consideration of the Hon'ble Tribunal.
- ii) The Respondents be directed to pay the Applicant the amount towards leave encashment of 300 days with interest @ 15% P.A. from the date of retirement till payment which amounts to Rs. 61,600 with interest.
- iii) The Respondents be also directed to pay a sum of Rs. 18,000/- towards the arrears of allowance for dress, tailing expenses, warm clothes etc. with interest @ 15% P.A. on 18,000/- from 5.9.95 till payment with interest."

2. While issuing notices, the present OA was confined in respect of relief clause 8(ii) only. As such, the issue which requires consideration in this case is whether the applicant is entitled to leave encashment of 300 days.

3. Notice of this application was given to the respondents. The respondents have filed reply. In the reply, the respondents have categorically stated that in fact the applicant has taken leave in excess by 31 days, thus, at the time of retirement, no leave was available for encashment.

4. The learned counsel for the applicant submits that he will be satisfied, at this stage, if the applicant is given opportunity to see his leave record whereby entries regarding Earned Leave have been made by the respondents.

5. In view of the submissions made by the learned counsel for the applicant, I am of the view that ends of justice will be met, if the applicant is given opportunity to see his service book where entries regarding Earned Leave have been made.

6. Accordingly, respondent No.2 is directed to give opportunity for inspection of service book to the applicant so far it relates to entries made regarding Earned Leave, on any working day, in case the applicant present before respondent No.2 within 15 days from today.

7. With these observations, the OA is disposed of, without going into the merit of the case. No costs.



(M.L.CHAUHAN)

Judicial Member

R/