

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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**ORDERS OF THE BENCH**

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**30.08.2011**

OA No. 233/2009 with MA 177/2011

Applicant present in person.  
Mr. Amit Mathur, Proxy counsel for  
Mr. R.B. Mathur, Counsel for respondents.

Heard. The OA as well as MA are disposed of by a  
separate order.

*Anil Kumar*

(ANIL KUMAR)  
MEMBER (A)

AHQ

*[Signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 30<sup>th</sup> day of August, 2011

**ORIGINAL APPLICATION NO. 233/2009**

**With**

**MISC. APPLICATION NO. 177/2011**

**CORAM**

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

N.B. Khandelwal son of Late C.B. Khandelwal, aged 63 years, resident of I-E-162, 163, Prem Nagar, Jhotwara, Jaipur (Rajasthan).

.....Applicant

(Applicant in person)

VERSUS

1. Union of India through its Secretary, Ministry of Labour, Government of India, Sharam Shakti Bhawan, New Delhi.
2. The Central Provident Fund Commissioner, Bhikaji Kama Palace, New Delhi.
3. The Regional Provident Fund Commissioner, 'Nidhi Bhawan', Jyoti Nagar, Jaipur.
4. The Commissioner, Sub Regional Office, Employees Provident Fund Organisation, Paschim Pal Vistar Yojana, Opposite Shankar Nagar, Jodhpur, Rajasthan.
5. The Commissioner, Sub Regional office, Employees Provident Fund Organisation, "Nidhi Bhawan", Vigyan Nagar, Kota.

.....Respondents

(By Advocates: Mr. Amit Mathur proxy counsel to Mr. R.B. Mathur)

**ORDER (ORAL)**

The applicant has filed this OA praying that the respondents be directed to pay the amount of leave encashment with interest at market rate and make good for the loss and also pay compensation for mental agony and harassment.

2. Heard the applicant and the learned counsel for the respondents.

According to the applicant, he has 259 days of Earned Leave to his

*Anil Kumar*

credit as per his calculation at Annexure A/5. He requested that the respondents be directed to pay the leave encashment of 259 days.

3. Learned counsel for the respondents stated that as per the record of the respondents, the applicant has only 212 days of Earned Leave to his credit but he was absent for 162 days during 1999-2003. Learned counsel for the respondents gave the details of period of absence, which is taken on record. Thus according to the respondents, the applicant is entitled for 50 days of leave encashment, which was paid to the applicant but he returned the cheque.

4. The applicant has disputed the period of absence as shown by the respondents, for instance, he stated that during the period of 1999, he has been shown absent from duty but there was a stay order granted by this Tribunal against his transfer order. Therefore, he cannot be treated as absent from duty. However, a copy of the stay order has not been filed by the applicant and the decision taken by the respondents on that order regarding that period.

5. Therefore, in the interest of justice, I deem it proper to direct the applicant to file a representation, if he so wishes, to the respondents stating his claim of the leave encashment within a period of 15 days from the date of receipt of a copy of this order and the respondents are directed to pass a reasoned & speaking order on the representation of the applicant within a period of two months from the date of receipt of the representation. If the applicant is still aggrieved by the order so passed by the respondents on his representation, he is at liberty to file substantive OA.

*Anil Kumar*

6. With these observations, the OA is disposed of with no order as to costs.

7. In view of disposal of the OA, no order is required to be passed on MA No. 177/2011, which is disposed of accordingly.

*Anil Kumar*  
(ANIL KUMAR)  
MEMBER (A)

AHQ