

THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Tuesday, this the 15th day of January, 2013

ORIGINAL APPLICATION No.640/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Bansi Lal Sharma
s/o late Shri Moti Lal Sharma,
aged about 62 years,
r/o House No.406/29, Naya Ghar,
Gulab Bari, Ajmer, lastly employed as
D.M.S.III Ajmer in the office of
Deputy Chief Material Manager,
Depot Store, North Western Railway,
Ajmer.

.. Applicant

(By Advocate : Shri P.P.Mathur)

Versus

1. Union of India through the General Manager,
North Western Railway, Jaipur
2. The Divisional Railway Manager,
Ajmer Division,
North-Western Railway, Ajmer.
3. Dy. Chief Material Manager,
Depot Store,
North Western Railway, Ajmer.

.....Respondents

(By Advocate : Shri Anupam Agarwal)

ORDER (ORAL)

The applicant in this OA is aggrieved with the order dated 13.5.2011 (Ann.A/1) and 15.7.2011 (Ann.A/2) whereby his request for amendment in the leave account considered at the time of calculating the pensionary benefits was rejected.

2. The case of the respondents is that complete record of the applicant is not available and on the basis whatever record available with the respondents, the leave encashment to the tune of Rs. 1,07,493 was paid to the applicant. The respondents have also submitted that at the time of acceptance of this amount, the applicant has not raised any objection as admittedly, after attaining the age of superannuation, the applicant retired on 30.6.2009 and, therefore, after a lapse of more than two years, the applicant preferred this OA, which is liable to be dismissed on the ground of limitation.

3. I have heard the learned counsel for the parties and thoroughly considered the material available on record. Prior to the year 2000, the leave record of the employee was maintained in leave sheet and subsequently a leave register of each employee was prepared wherein the leave record of the

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employee was maintained. The same was also maintained by the staff by making entries in the pass book. Therefore, the applicant has prayed that whatever record is available with the respondents, the respondents ought to have reconsidered the case of leave encashment. The applicant has also provided copy of the pass book which also requires verification by the record available with the respondents.

4. The ground taken by the respondents that original record is not available cannot be said to be a fault on the part of the applicant and he cannot be deprived for the leave encashment amount, which appear to be not correctly calculated by the respondents.

5. Therefore, looking to the facts and circumstances of the case, I am not inclined to dismiss the OA only on the ground that the OA has been filed after a lapse of more than two years.

6. The Government of India, Ministry of Railway (Railway Board), has also issued RBE No.28/2004 dated 18.8.2004 regarding deficiencies in maintenance of Leave Record/PF ledgers/advances by which Railway Board issued instructions to ensure compliance of the orders.

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7. Be that as it may, in my considered view, the ends of justice will be met if this Tribunal directs the respondents to re-assess the matter of leave encashment of the applicant on the basis of documents and record furnished by the applicant and the documents/record which are in possession of the respondents and after verifying the same, if there is discrepancy in the leave account of the applicant, the same shall be corrected and fresh orders shall be passed regarding leave encashment amount of the applicant. Ordered accordingly.

8. With these observations, the OA stands disposed of with no order as to costs.



(JUSTICE K.S.RATHORE)
Judi. Member

R/