

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/021/506/2017

Dated: 04.01.2018

BETWEEN:

T.R. Ravinder,
S/o. T.H. Raju,
Aged about 58 years,
Occ: Manager,
O/o Group General Manager,
Indian Railway Catering & Tourism Corporation,
Oxford Plaza, S.D. Road,
Secunderabad – 500 071.

.... Applicant

AND

1. Union of India rep. by
The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager,
South Central Railway,
Secunderabad Division,
Sanchalan Bhavan,
Secunderabad.
3. The Additional Divisional Railway Manager,
South Central Railway,
Secunderabad Division,
Sanchalan Bhavan,
Secunderabad.
4. The Senior Divisional Personnel Officer,
South Central Railway,
Secunderabad Division,
Sanchalan Bhavan,
Secunderabad.

... Respondents

Counsel for the Applicants : Mr. M. C. Jacob

Counsel for the Respondents : Mrs. Vijaya Sagi, SC for Railways

CORAM

Hon'ble Mr. Justice R. Kantha Rao, Member (Judl.)
Hon'ble Mrs. Minnie Mathew, Member (Admn.)

ORAL ORDER

{Per Hon'ble Mr. Justice R. Kantha Rao, Member (Judl.)}

Heard Mr. M.C. Jacob, learned counsel appearing for the applicant.

In spite of taking several adjournments, the respondents failed to file reply statement and hence on 23.11.2017, their right to file reply was forfeited by the Tribunal.

2. This O.A. is filed by the applicant challenging the Proceedings dated 22.9.2016 issued by the 3rd Respondent rejecting leave encashment on his retirement from Railways and to set aside the same with a direction to grant leave encashment of 300 days to the applicant as per rules.

3. Briefly stated facts according to the applicant are that he joined as Assistant Catering Manager at Kazipet Railway Station on 9.1.1986. After some time, the Ministry of Railway formed Indian Railway Catering and Tourism Corporation, for short IRCTC rendering catering service from the department and the applicant was selected as Assistant Manager (Catg.) in the pay scale of Rs.10750-300-16750/. Ultimately he gave technical resignation from Railways in order to join IRCTC on 3.2.2006 and joined Regional Office at Vijayawada on 6.2.2006. Thereafter the Respondent Railways settled his retiral benefits. But according to the applicant, they have not paid him the leave salary and his representation was rejected by the 3rd Respondent vide Proceeding dated 22.9.2016 which is impugned in the present OA.

4. As per the averments made in the O.A. and also as per the submissions made by the learned Standing Counsel on the earlier occasion, no records relating to the leave particulars of the applicant are available in the Respondent Railways and, therefore, it was not possible to grant him the amount relating to leave encashment. It appears that the Respondents did not have even the Service Book of the applicant. If it is so, it is not understandable how they settled the retiral benefits. In any event, it is the responsibility of the Railways to keep the service particulars of the applicant with them and they cannot disown their responsibility and come up with the plea that no records relating to the applicant in respect of his leave particulars are available. The applicant submits that he has 300 leaves to his credit and is entitled to encash the same.

5. In the above circumstances, the Respondents are directed to examine the claim of the applicant and pass appropriate orders regarding leave encashment of the applicant as per his entitlement and according to rules within a period of eight weeks from the date of receipt of a copy of the order. It is made clear that it is not open for them to raise the same contention of non-availability of records and reject the claim of the applicant on the said basis. The O.A. is accordingly disposed of. No costs.

(MINNIE MATHEW)
MEMBER (ADMN.)

(JUSTICE R. KANTHA RAO)
MEMBER (JUDL.)

pv Dated the 4th January, 2018
(Dictated in the Open Court)