

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING:GWALIOR

Original Application No.202/487/2014

Gwalior, this Wednesday, the 09th day of May, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

LR Rajesh Sen S/o Chotelal Aged 30 years Occupation Farmhand
(retd.)Military Farm (MoD) Permanent R/o Village and Post
Stanwada Shivpuri (M.P.) PIN 473551 **-Applicant**

(By Advocate –**Shri S.S. Chouhan along with Applicant in person**)

V e r s u s

1. The Union of India Through the Secretary Ministry of Defence
South Block New Delhi 110001
2. Chief of Army Staff Army Headquarter, Sena Bhawan New
Delhi 110001
3. Adjutant General Army Head Quarter, Sena Bhawan, New Delhi
110001
4. Deputy Director General Military Farms DDGMF-QMG'S BR
IHQ of MOD (Army) W.B. III R.K. Puram New Delhi 110001
5. Station Commander Station Head Quarter, Morar, Cantonment
Mora Gwalior 474006
6. Director Military Farms (Southern Command) Kirke Pune-
411001
7. Manager/Officer-in-charge, Military Farm, Morar Cantt. Morar
Gwalior 474006
8. Chote lal Pal Officer-in-Charge Military Farm Morar
Cantonment Morar Gwalior 474006 **- Respondents**

(By Advocate –**Shri Vivek Kedkar & Shri Shyam Lal Yadav, Manager, MF Jhansi, Officer in Charge present in person**)

ORDER**By Navin Tandon, AM:-**

During the pendency of this Original Application, Shri Chhotelal (the original applicant) has died on 16.05.2016. Shri Rajesh Sen was brought as legal representative of the deceased.

2. The deceased employee, Shri Chhotelal was aggrieved about him being marked absent for the period 01.11.2012 to 30.06.2013. Hence, this Original Application.

3. The deceased employee was working as Farmhand and was posted at Satanwada Depot under Military Farm, Gwalior. He was superannuated on 30.06.2013.

3.1 The deceased employee has submitted that after his wife left for heavenly abode on 22.06.2012, he submitted an application for leave and resumed his duty on 01.11.2012 and performed his duty at Satanwada Depot until his retirement but he was not marked present and was showed as on leave. He submitted that he was alone posted at Satanwada Depot and no one other than him worked there from 01.11.2012 onwards. But still he was marked as on leave without any application for leave having being moved by the original applicant.

3.2 The deceased employee submitted his representation dated 08.12.2012 to the then Director Military Farm Southern Command.

4. The applicant in this Original Application has prayed for the following reliefs:-

“8(i) The respondents may please be directed to correct entry in the records and mark applicant as present instead of on leave for the period 01.11.2012 to the date of retirement that is 30-6-2013.

8(ii) The benefit of encashment of earned leave and medical leave be extended accordingly to the applicant along with cycle allowance for the period.

8(iii) The arrears of house rent allowance and TPT allowance wrongly withheld be reimbursed to applicant.

8(iv) The compensation may please be awarded.

8(v) The other relief or relief, order or orders, direction or directions which this Hon'ble Tribunal may deem fit and proper may kindly be issued in favour of the applicant.

8(vi) Cost of the petition (application) be awarded.”

5. The respondents in their reply have submitted that the deceased employee was posted from Satanwada to administration section of Dairy vide order dated 25.08.2012 and Farmhand Sudhir Kumar was posted at Satanwada in place of the deceased employee (Annexure R-1). The respondents further submitted that the deceased employee never submitted any application for leave nor choose to submit his fitness certificate to superior i.e. Farm Manager.

5.1 The deceased employee never joined his duties w.e.f. 31.10.2012 to 30.06.2013 which is evident from the attendance register (Annexure R-6).

5.2 The respondents submitted that the deceased employee, even though asked to file application for leave, he did not do so and therefore the pension papers were sent to PCDA (Pension) Allahabad vide letter dated 15.05.2013 (Annexure R-10) and accordingly the entire pension and other benefits have been extended to the deceased employee.

6. Heard the learned counsel for both the parties and perused the documents annexed with the pleadings. Shri Shyam Lal Yadav, Manager, Military Farm (Officer in Charge) was present in person for assisting the Court.

7. Regarding the attendance of the deceased employee being present/absent/on leave is concerned, we see that the basic documents is attendance register in which he has been marked as 'L'. This fact has not been controverted by the applicant by filling his rejoinder. Accordingly, it cannot be said that Shri Chhotelal was present on duty during the period from 01.11.2012 to 30.06.2013.

7.1 From the above, it is clear that the relief sought for by the applicant in Para 8(i) namely "the respondents may please be

directed to correct entry in the records and mark applicant as present instead of on leave for the period 01.11.2012 to the date of retirement that is 30-6-2013”, cannot be granted as the official record speaks otherwise.

7.2 The entire salary including the House Rent Allowance has been paid to the deceased employee from 01.11.2012 to 30.06.2013 as per the averments made by the respondent-department in the Court.

8. As far as relief sought by the applicant in Para 8(ii), is concerned, the respondents are directed to pass on benefit of encashment of earned leave due and admissible to the applicant as per rules.

8.1 Transport Allowance is not admissible to the deceased employee as he was not on duty for the said period. House Rent Allowance has already been paid to the deceased employee.

9. In view of the above observations, this Original Application is disposed off.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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