

**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata**

**ORDER SHEET**



COURT NO. : 1  
10.08.2018  
O.A./350/1172/2018  
(MENTIONED)

MONOJIT MAHAPATRA  
-V/S-  
S E RAILWAY

ITEM NO: 10  
FOR APPLICANTS(S) Adv. :

Mr. A. Chakraborty  
Ms. P. Mondal

FOR RESPONDENTS(S) Adv.:

Mr. A. K Banerjee

Notes of The Registry	Order of The Tribunal
	<p><b><u>ORDER (ORAL)</u></b></p> <p><b><u>Mr. A.K Patnaik, Member (J):</u></b></p> <p>This O.A has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:</p> <p style="padding-left: 40px;">“An order do issue directing the respondents to to release salary for the period for 03.05.2017 to 11.05.2017, 13.03.2017 to 30.03.2017 and 30.04.2017 to 10.05.2017 as the leave was duly sanctioned by the Competent authority?”</p> <p>2. Heard Mr. A. Chakraborty, ld. counsel for the applicant. Mr. A. K Banerjee, who usually appears for South Eastern Railway is present in court and on my advice he appeared on behalf of the respondents. On my instructions, ld. counsel for the applicant served a copy of the O.A to Mr. Banerjee.</p> <p>3. Brief facts of the case as narrated by Mr. A. Chakraborty, ld. counsel for the applicant are that the applicant who works as Helper II under Senior Section Engineer (Signal) at GTS (Ghatshila), South Eastern Railway, Kharagpur Division submitted leave application for the period 13.03.2017 to 30.03.2017 and 30.04.2017 to 10.05.2017 as he was under PMC. Ld. counsel for the applicant submitted that the applicant submitted medical certificates in support of his absence and the authorities sanctioned the leave without pay. It is submitted by Ld. counsel for the applicant that the authority concerned cannot withhold the payment for the periods leave was sanctioned and it is admitted position that leave is due in the credit of the applicant and the applicant</p>

is entitled to get pay against the leave due. Mr. Chakraborty, has prayed for liberty of this Tribunal to prefer a comprehensive representation to the competent respondent authority and submitted that the concerned respondent authority may be directed to consider and dispose of the same as per rules within a specific time frame.

4. On the other hand, Mr. A. K Banerjee, ld. counsel for the respondents vehemently opposed the very maintainability of this O.A by submitting that this O.A is not maintainable in the eye of law being hit by Section 20 of the Administrative Tribunals' Act, because the applicant has approached this Tribunal without ventilating his grievance before the authorities concerned, which is required under the provisions of Section 20 of the Administrative Tribunals Act.

5. I am satisfied with the submission made by Mr. A. K Banerjee, ld. counsel for the respondents.

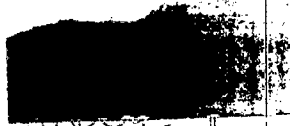
6. However, on sincere prayer made by Mr. A. Chakraborty, Ld. counsel for the applicant, this O.A is disposed of with liberty to the applicant to file a comprehensive representation to the Respondent No. 2, i.e the Senior Divisional Personnel Officer (S&T)/Admn., South Eastern Railway, Paschim Midnapur, within a period of 2 weeks from the date of receipt of a copy of this order enclosing the copies of the relevant documents and a copy of this order. If such representation is preferred by the applicant within 2 weeks, then the Respondent No. 2 is directed to consider and dispose of the same keeping in mind the points raised in the said representation (if so preferred) and the relevant rules and regulations governing the field and pass a reasoned and speaking order within a period of 6 weeks from the date of receipt of the same under communication to the applicant. After such consideration, if the applicant's grievance is found to be genuine, then the Respondent No. 2 shall grant him the consequential benefits within a period of 3 months from the date of taking decision in the matter.

7. Liberty is given to the applicant to annex a copy of this order along with the representation to be preferred to the Respondent No. 2.

8. It is made clear that I have not gone into the merit of this case and all the points to be raised in the representation of the applicant are kept open for consideration by the respondent authorities as per rules and regulations in force.

9. With the above observations and directions, the O.A is disposed of. No order as to costs.

10. As prayed for by ld. counsel for the applicant, a copy of this order along with paper book be transmitted to Respondent No. 2 by the Registry by speed post for which ld. counsel for the applicant undertakes to deposit the cost within one week. A free copy of this order be handed over to ld. counsel for both sides.

  
(A.K. PATNAIK)  
MEMBER (J)

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