

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/1222/2016

Date of Order: 08.01.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

Shri Ujjal Kumar Dutta, son of late Nalini Ranjan Dutta, working as Loco Pilot, Shunting (Grade-I) CCC (R) Dum Dum, Eastern Railway, and residing at 5/A, Milan Park, Kalinibash, P.O.Nona Chandanpukur, Barrackpore, Dist- 24 Parganas (North), Kolkata- 700 122.

.....Applicant.

-versus-

1. The Union of India, through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata- 700 001.
2. The Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, Kolkata- 700 014.
3. The Chief Personnel Officer, Eastern Railway, Fairlie Place, 17, N.S. Road, Kolkata- 700 001.
4. The Sr. Divisional Personnel Officer, Eastern Railway, Sealdah Division, Kolkata – 700 014.

.....Respondents.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. BL Gangopadhyay, Counsel

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

Being aggrieved for wrong calculation of the leave salary for the month of April, 2015 and May, 2015, the applicant had approached before this Tribunal under Section 19 of AT Act, seeking the following reliefs:

“8(a) To issue direction upon the respondent to give leave salary correctly for the month of April 2015 and May 2015 and onwards forthwith.

(b) To issue further direction upon the respondents to consider the representation dated 03.08.2015 and 12.11.15 forthwith.

(c) To quash/cancel/set-aside the impugned order dated 30.06.2016 forthwith.

(d) Any other order or orders as the learned Tribunal deem fit and proper.

(e) To produce connected departmental record at the time of hearing.

(f) To issue further direction upon the respondent to give all consequential benefits along with arrear payment since, 1989 to the applicant forthwith.”



2. Heard Mr. N. Roy, learned counsel for applicant and Mr. BL Gangopadhyay, learned counsel for respondents, perused the pleadings and materials placed before us.

3. The matter relates to the correction of the leave salary for the month of April, 2015 and May, 2015. The grievance made by the learned counsel for applicant is that the applicant made leave application for 3 days for the month of April, 2015 and the respondent authority paid Rs. 643/- on account of 3 days sanctioned leave, (KMA) for the month of April, 2015 in pay-slip of May, 2015 which is less than its exact amount payable for leave salary for one day leave, including casual leave. The said amount does not comply with the formula of

calculation for attaining the exact payable amount to be paid on account of leave salary to the running staff as prescribed in statutory rule 924(iv) of IREM, Volume- I edition- 1989.

4. The applicant earlier approached before this Tribunal vide OA No. 350/00592/2016 wherein this Tribunal directing the respondents' authority to dispose of the representation by passing an appropriate reasoned and speaking order within 3 months from the date of communication of this order. In compliance of the order passed by this Tribunal the department in its vide order dated 30.06.2016, disposed of the representation by passing a speaking order and thereby the applicant further aggrieved and approached before this Tribunal by filing this instant application.

5. The respondents' authority have filed their reply through the learned counsel Mr. BL Gangopadhyay who submitted that calculation has correctly made and paid the amount as claimed for in accordance with the rule 924 of IREM VOL- I which is very much appeared in Annexure R-1 to the reply filed by the respondents' authority.

6. Mr. N. Roy, learned counsel for applicant disputed the calculation made by the respondents and submitted that leave salary for 3 days in case of applicant is Rs. 5931/- which is paid in two parts. Firstly paid Rs. 5288.6 and secondly paid Rs. 643/-. Thus total amount of 3 days leave salary is Rs. 5931 has already been paid as such nothing remains.

7. By filing rejoinder, the learned counsel for applicant submitted that as per rule 924(iv) of IREM that consolidated amount of Rs. 6426/- would have been added with Basic Pay Rs. 21420/- i.e. $Rs. 21420 + 6426 = 27846/-$ and thereafter

that amount arrived at to be divided by the respective months for calculation of per day leave salary of the running staff and accordingly the applicant ought to have been paid Rs. 27846.30/-.

8. Learned counsel for applicant, Mr. N. Roy reiterated his submissions that whatever the payment of leave salary has been paid is disputed one and the respondents authority is not at all cooperated with his grievance to make it clear. As such he prays before this Tribunal for passing an appropriate order.

9. After accepting the prayer made by the learned counsel for applicant, I am of the view that it would be just and proper to send back the matter to the respondents authority for proper exploration of the amount in question concerning leave salary.

10. Accordingly, I direct the respondents authority to give an opportunity of personal hearing to the applicant, within a period of two months from the date of receipt of the order so as to substantiate his case. The respondents authority thereafter shall come to a finding on the basis of materials on record, within a period of three months and to take a final decision in accordance with law and the decision so arrived shall be communicated to the applicant forthwith.

11. With the above observation and direction, the OA stands disposed of accordingly. No order as to costs.

(Manjula Das)
Member (J)

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