

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**Allahabad, this the 23rd day of **January**, 2019

Present :

Hon'ble Mr. Justice Bharat Bhushan, Member-JOriginal Application No.330/00053/2019

Kripa Shankar Shukla, Son of Late Haushla Prasad Shukla, posted as Senior Clerk in the office of Senior Hindi Raj Bhasha Adhikari, Divisional Railway Manager, N.C.R., Allahabad, Resident of Village – Soraon, Post-Meja Road, Prayagraj.

.....Applicant.

By Advocate –Shri S. Srivastava

V E R S U S

1. General Manager, North Central Railway, Headquarter, Subedarganj, Allahabad.
2. Divisional Railway Manager, Allahabad Division, (NCR), Allahabad.
3. Senior Divisional Personnel Officer, N.C.R., Allahabad.

..... Respondents.

By Advocate : Shri S.M. Mishra

O R D E R**By Hon'ble Mr. Justice Bharat Bhushan, Member-J :**

The applicant Kripa Shankar Shukla as Senior Clerk in the office of Senior Hindi Raj Bhasha Adhikari, North Central Railway, Allahabad seeks Leave on average

Half Pay (LHAP) and Leave against average Pay (LAP) for the period of his treatment from 23.12.2016 to 07.08.2017.

2. The applicant has claimed for following relief(s) :

- (i) That the Hon'ble Tribunal may issue an order or direction in the nature of mandamus commanding the respondents to pay the entire commuted value of LHAP and LAP along with 18% per annum and bonus may also be paid thereupon.**
- (ii) That the Hon'ble Tribunal may issue an order or direction in the nature of mandamus commanding the respondents to treat the applicant on medical leave from 23.12.2016 to 07.08.2017 sanctioned his leave and the payment of commuted leave be made under LHAP and LAP, but the same is still pending to be decided by the competent authority.**
- (iii) That the Hon'ble Tribunal may issue an order or direction in the nature of mandamus commanding the respondents to decide the representation of applicant dated 07.09.2018 moved by A.G.M. Headquarter N.C.R. Subedarganj, Allahabad.**
- (iv) That the Hon'ble Tribunal may issue an order or direction in the nature of mandamus commanding the respondents to call for entire records pertaining to the applicant before this Hon'ble Court.**
- (v) That the Hon'ble Tribunal may pass any other or further order, as deem fit in the circumstances of the case.**
- (vi) To award the cost of this application to the applicant."**

3. Learned counsel for the applicant has submitted that he has made a representation dated 07.09.2018

(Annexure-A-9) to Additional General Manager, North Central Railway, Subedarganj, Allahabad. A copy of which is available at Annexure-A-9. But the department has neither decided the representation nor sanctioned LAHP and LAP. Learned counsel for the respondents has no objection if a direction is given to the respondents to decide the representation of the applicant.

4. In view of the limited prayer made by the counsel for the applicant but without commenting anything on the merits of the case, the OA is disposed off with direction to respondent No.3/Competent Authority to decide the representation dated 07.09.2018 (Annexure-A-9) of the applicant by passing a reasoned and speaking order within a period of four months from the date of receipt of a certified copy of this order. No order as to costs.

Member-J

RKM/