

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/00336/2018

Tuesday, this the 26th day of February, 2019

C O R A M :

HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER

Prasanthan.K.B.,
S/o.Bahuleyan K.K.,
Retired Senior Technician,
C&W/ERM CD.
Residing at Kelamangalath,
Edakochi, Kochi – 682 010.Applicant

(By Advocate – Mrs.Shameena Salahuddin)

v e r s u s

1. Union of India represented by the General Manager,
Southern Railway, Park Town, Chennai – 600 003.
2. The Chief Personnel Officer,
Southern Railway, Chennai – 600 003.
3. The Senior Divisional Personal Officer,
Trivandrum Division, Trivandrum – 695 014.
4. The Divisional Railway Manager,
Trivandrum Division, Southern Railway,
Thiruvananthapuram – 695 014.Respondents

(By Advocate – Mrs.Mini.R.Menon)

This application having been heard on 26th February, 2019, the Tribunal on the same delivered the following :

O R D E R

The applicant who retired from service on 30.9.2017 as Senior Technician is aggrieved by the rejection of his request for the payment of the leave salary of 128 days though he is fully eligible for the same. It is further submitted that as per Annexure A-3 series of leave account statement

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and slips, it is evident that he has to his credit 294 days of leave. By deducting the days of leave availed by him after 15.5.2017, he has 279 days of leave to his credit. When the applicant retired he was granted leave salary for a period of only 151 days. Since he was not paid 128 days leave salary he made representation claiming Rs.237804/- as balance payment due to him on account of the leave salary. But the same was rejected by Annexure A-1.

2. As per Annexure A-1 dated 10.11.2017 the leave salary is in order with the leave chart record maintained in the office and no revision is required. The days of balance otherwise requires no revision. It was also noted that an amount of Rs.70772/- was also paid as September month salary in the account number of SBI No.20264712430. Feeling aggrieved the applicant has approached this Tribunal seeking the following reliefs :

1. To call for the records leading to Annexure A-1 and set aside the same.
2. Declare that the applicant is entitled to get further amount of Rs.237804/- as leave salary.
3. Direct the respondents to make the payment of Rs.237804/- with interest to the applicant immediately.
4. Such other relief as may be prayed for and this Tribunal may deem fit to grant.
5. Grant the cost of this Original Application.

3. Respondents put appearance and filed detailed reply statement. In the reply statement it is submitted that at the time of retirement of the applicant while calculating retirement benefits, it was found that during the first half credit on 2006, his leave balance was shown as 261 on 2.2.2006, instead of

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161 and it had continued till the date of retirement. This erroneous addition of leave to the tune of 100 days was rectified at the time of retirement. After rectification, he was having only 151 days of leave on Average Pay in his credit. Accordingly an amount of Rs.280578/- was paid towards leave salary.

4. Heard learned counsel for the parties at length and perused the records. Learned counsel for the applicant submitted and relied upon Annexure A-2 where it is stated that instructions were issued vide office letter dated 29.6.1993 that as and when the leave at credit of the employees is advised every half year, an entry to that effect should be made in the Service Register of the concerned employee so that it remains as a permanent record. The importance of correct maintenance of the leave records of the employees upto date, needs no reiteration. Railway Board vide letter No.E(G) 70-LE/1-4 dated 20.8.1970 have stated that the leave account of every employee should be checked every year and the certificate of check to be placed in the leave record each year. By this learned counsel for the applicant submitted that if there is a discrepancy it has to be informed and not 12 years after at the time of retirement. On the contrary, learned counsel for the respondents relied upon Annexure R-1 filed along with reply statement wherein it is indicated that the balance leave was 147 days and 15 days was credited in the year 2006. By adding this it come to 162. While carrying forward it is by mistake written as 261. Actually it should be 161 and accordingly the respondents had made payment. This Tribunal has also called for the original leave records of the applicant from

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the respondents. This Tribunal has perused the records and it is found to be in order. In view of this the payment made to the applicant is as per records and nothing more remains to be paid to the applicant.

5. Accordingly the O.A fails and the same is dismissed. No order as to costs.

(Dated this the 26th day of February 2019)

ASHISH KALIA
JUDICIAL MEMBER

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List of Annexures in O.A.No.180/00336/2018

1. **Annexure A-1** – True copy of the Communication No.V/P 483/IV/M dated 10.11.2017.
2. **Annexure A-2** – True copy of the P.B.C.No.165/1997 dated 19.11.1997.
3. **Annexure A-3** – True copy of the Leave Account Statement of the applicant for the year 2007.
4. **Annexure A-3(a)** – True copy of the Leave Account Statement of the applicant for the year 2008.
5. **Annexure A-3(b)** – True copy of the Leave Account Statement of the applicant for the year 2009.
6. **Annexure A-3(c)** – True copy of the Leave Account Statement of the applicant for the year 2010.
7. **Annexure A-3(d)** – True copy of the Leave Account Statement of the applicant for the year 2011.
8. **Annexure A-3(e)** – True copy of the Leave Account Statement of the applicant for the year 2012.
9. **Annexure A-3(f)** – True copy of the Leave Account Statement of the applicant for the year 2013.
10. **Annexure A-3(g)** – True copy of the Leave Account Statement of the applicant for the year 2014.
11. **Annexure A-3(h)** – True copy of the Leave Account Statement of the applicant for the year 2016.
12. **Annexure A-3(i)** – True copy of the Leave Account Statement of the applicant for the year 2017.
13. **Annexure A-4** – True copy of the payment details of settlement dues.
14. **Annexure A-5** – True copy of the details of the terminal benefits paid to the applicant.
15. **Annexure A-6** – True copy of the representation dated 4.10.2017 along with the Statement.
16. **Annexure A-7(a)** – True copy of the salary bill showing balance of leave for the month of April, 2017.
17. **Annexure A-7(b)** – True copy of the salary bill showing balance of leave for the month of August 2017.

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18. Annexure R-1 – True copy of the relevant portion of the Leave Chart of the applicant.
