

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.21/764/2019**

**Date of Order: 22.08.2019**

Between:

1. B. Sanjeeva Rao, S/o. B. Vittal Rao,  
Aged 62 years, Retired,  
Plot No. 6, Road No. 5, Thrimurthy Colony,  
Mahendra Hills, Secunderabad.
2. A. Suresh Babu, S/o. late A. Rama Krishna,  
Aged 61 years, Retired,  
H. No. 1-1-336/86, Viveknagar,  
Chikkadpally, Hyderabad.
3. B. Ramulu, S/o. B. Mallaiah,  
Aged 62 years, Retired,  
H. No. 1-6-126, Temple Road, Ramagundam.
4. K. Ramesh, S/o. K. Mallaiah,  
Aged 61 years, Retired,  
H. No. 16-4-35, Fort Road, Warangal.

... Applicants

And

1. Union of India,  
Rep. by the Principal Secretary,  
Ministry of Employment and Training,  
Govt. of India, Shramshakti Bhavan,  
New Delhi.
2. Employees State Insurance Corporation,  
Through its Director General,  
Panchadeep Bhavan,  
C.I.G. Marg, New Delhi.
3. Additional Commissioner and Regional Director,  
5-9-23, ESI Corporation,  
Hill Fort Road, Hyderabad.
4. Deputy Director,  
5-9-23, ESI Corporation,  
Hill Fort Road, Hyderabad.

... Respondents

Counsel for the Applicants	...	Mr. K. Satyanarayana Rao
Counsel for the Respondents	...	Mr. N. Srinivas Rao, SC for ESIC

**CORAM:**

***Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

**ORAL ORDER**

***{As per B.V. Sudhakar, Member (Admn.) }***

2. OA is filed challenging the order of recovery of payment made towards Leave Encashment, issued by the respondents on 15.03.2019.

3. Brief facts of the case are that the applicants have retired from the respondents organization on different dates between 31.05.2017 and 31.08.2018. On 15.03.2019, respondents have ordered recovery of payment made towards Leave Encashment of the applicants after their retirement. They represented against the recovery, but of no avail and hence, the OA.

4. Contentions of the applicants are that the recovery is against the orders of the Hon'ble Supreme Court in CA No. 11527 of 2014 between the State of Punjab & Ors Vs. Rafiq Masih (White Washer) etc. Leave encashment was sanctioned by the respondents as per the extant instructions.

5. Heard learned counsel for the applicants and Mr. N. Srinivasa Rao, learned Standing Counsel, who appeared for the respondents on service of advance copy of the OA and perused the pleadings on record.

6. Applicants have retired from the respondents organization. After their retirements, respondents have ordered recovery of Leave

Encashment amount in instalments ranging from Rs.2500 to 3500 from the pension of the applicants commencing from May 2019 onwards. Leave encashment was duly sanctioned by the competent authority as per the Rules in vogue. Recovery, as claimed by the applicants, is against the judgment of the Hon'ble Supreme Court in State of Punjab Vs. Rafiq Masih case. They have represented on 22.04.2019 that such recovery is illegal. Learned counsel for the applicants claims that though 4 months have lapsed, the representation has not been disposed. As per his contention, the recovery order is against law.

7. In view of the above, respondents are directed to dispose of the representation dated 22.04.2019 made by the applicants keeping in view the judgment of the Hon'ble Supreme Court cited supra, by issuing a speaking and reasoned order, within a period of 8 weeks from the date of receipt of this order. OA is accordingly disposed of at the admission stage itself, without going into the merits. There shall be no order as to costs.

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

Dated, the 22<sup>nd</sup> day of August, 2019

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