



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA. 350/00600/2014

Date of Order: 07.09.2015.

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

Amal Kumar Chowdhury
Vs.
Union of India & Ors. (S. E. Rly)

For the Applicant : Mr. B. Baidya, Counsel

For the Respondents : Mr. AK Dutta, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:-

This matter is taken up in Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. The applicant is aggrieved by the fact that his leave account has been shown as LAP- 208 days & LHAP-08 days as on 19.08.2013 whereas the pay slip of June, 2013 shows the figure of LAP-315 as LHAP-309 to his credit.

3. The respondent authorities have drawn my attention to the Annexure 'R-2' to the reply. It is a reply addressed to the applicant by the Sr. Personnel Officer (Com), quoted verbatim hereinbelow for clarity:

"Your appeal dated 03.09.2013 on the above subject has been examined. It is informed that consequent on destroyed of Leave Records of staff of CCM/Refund's office due to fire in the year 1999, the same were reconstructed in the year 2003 by the Committee consisting Dy. CAO(G), Dy. CPO (HQ) and Dy. CCM(PM). Your leave records was re-constructed by the Committee along with others on 30.06.1999 duly re-casted leaves due LAAAP-294 days & LHAP-209 days shown in your credit. Thereafter, your leave records was maintained in CCM(Refund)'s office as per extant rules.

At the time of final review of your Leave Records before retirement on superannuation on 31.08.2013 by FA& CAO(Pen)/GRC it revealed that although your leave records was re-constructed on zero, based from your date of appointment on the plea that the Leave Records has been destroyed but your Leave Records is available at the time of your joining to the office of CCM(Refund)/Kol as Sr. Clerk w.e.f. 01.02.1986 duly vetted by Sr. DFM, E.C. Railway, Dhanbad that you are having LAP-55 days and LHAP-165 days in your credit while releasing you on 21.11.1986 (AN). Accordingly, your leave records has been re-casted as LAP-208 days & LHAP-08 days at your credit as on 31.08.2013 i.e. the date of your superannuation.

However, your Leave Records has been examined again by the Committee under the Chairmanship of Dy. CAO(G)/GRC who has opined that your leave records has been correctly re-casted by FA&CAO(Pen)/GRC at the

time of retirement and there is no anomaly towards payment of your Leave Salary i.e. LAP-208 days & LHAP-08 days."

4. Since the dispute is factual and the calculations on leave at his credit and leave salary due are to be made by the authorities in consultation with their records, while this Tribunal cannot make a roving and fishing enquiry determine the leave in the leave account, the learned counsel for the applicant was directed to take inspection of the records to satisfy himself whether the leave account as shown by Accounts Department as on 29.08.2013 is correct.

5. Today, the learned counsel for the applicant submitted that he is satisfied with regard to the inspection of the records given to him and that record reflected the figures of LAP-208 for LHAP-08 days as on 19.08.2013. However, he vociferously submits that he is dis-satisfied with the calculation, and that he is strongly relying upon the figure as shown in pay slip of June, 2013. On being questioned whether the learned counsel for applicant would be able substantiate by way of any order or any documents that the ^{in fact b} applicant had LAP and LHAP 315 and 309 days respectively, learned counsel submitted ^{BB} that he did not possess any such documents in support.

6. In such view of the matter, since the claim of the applicant is not substantiated by records and I am unable to concur with the views expressed by the learned counsel for the applicant in regard to payment of leave salary. I find no infirmity in the respondent's action.

7. Accordingly, the OA is dismissed.

8. However, the applicant shall be at liberty to place his claim appropriately before the authorities concerned if supported by relevant materials to justify that the leave due as on the date of retirement would be much more than what has been calculated by the authorities.

9. No order as passed as to costs.

(Bidisha Banerjee)
Member (J)

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