

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

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OA. 350/01353/2015

Date of Order: 16.09.2015

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. R. Bandyopadhyay, Administrative Member

Swapan Sashi Chakraborty
Vs.
S. A. I. L.

For the Applicant : Mr. M. Thakur, Counsel

For the Respondents : Mr. AP Deb, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:-

1. The applicant has been filed this OA seeking the following reliefs:

(a) An order do issue upon the Respondent no. 2 directing him to release the sum of Rs. 1, 92, 684/- in favour of the Applicant.

(b) A further order do issue directing the Respondent No. 2 to consider and dispose of the representation dated 04 March, 2015 forthwith;

(c) Any other order or further order as your Honour may deem fit and proper in the facts and circumstances of the case."

2. The applicant is aggrieved as circular dated 24.04.2014 which was introduced after his retirement i.e. on 31.10.2013, has been applied to deny him Rs. 1, 92, 684/- towards leave encashment out of Rs. 17,29,399/- as his settlement dues. As such the OA has been filed seeking refund of the amount which he is entitled to.

3. It is noticed that a representation has been preferred by the applicant seeking the refund.

4. However, no circular is annexed in support of his contention, a circular operating in the field as on the date of retirement due to which he was entitled to encashment of accumulated leave of more than 300 days.

5. In such view of the matter, the OA is disposed of with liberty to the applicant to prefer a representation to the respondent authorities concerned with a prior calculation and circulars in support of his contention.

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6. Let representation be made within one month from the date of receipt of a copy of this order. If the representation is made within that period, the respondent authorities i.e. respondent no. 2 or any other competent authority shall dispose of the representation within 2 months thereafter. In case the applicant is found entitled to be refund, the same be refunded within one month thereafter.

7. It is made clear that we have not gone into the merits of this case. All points are kept open for consideration by the respondent authorities.

8. OA is accordingly disposed of. No costs.

(R. Bandyopadhyay)
Member (A)

(Bidisha Banerjee)
Member (J)

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