

Central Administrative Tribunal
Principal Bench

O.A. No.1589/2003

(7)

New Delhi this the 24th day of June, 2003

Hon'ble Shri V.K. Majotra, Member (A)

Rattan Chand
Vill: & Post: Gagal Kholi
The: Palampur, Distt. Kangra (H.P)

(By Advocate: Dr. S.P. Sharma)

-Applicant

Versus

1. The Deputy Commissioner
Kendriya Vidyalaya Sangathan
New Delhi.
2. The Asstt.Commissioner KVS (JR)
Govt. Hospital Road, Gandhi Nagar
Jammu) J&K
3. The Principal,
Kendriya Vidyalaya, Palampur (H.P)

-Respondents

ORDER (Oral)

Learned counsel Dr. S.P. Sharma heard.

2. Applicant retired on superannuation on 28.2.1999 while he was working as Class 'D' employee in Kendriya Vidyalaya, Palampur, District Kangra (H.P). It is alleged that whereas the applicant was entitled for payment of leave encashment amount of Rs.35,730/-, the same has yet not been paid by the respondents. Learned counsel stated that initially applicant had filed a complaint before the District Consumer Redressal Forum Kangra at Dharamshala, which was withdrawn by him on the objection of the respondents that jurisdiction in the matter lies with the Central Administrative Tribunal. Learned counsel stated that in this manner, delay has been caused in filing the present OA which may be condoned. He has

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referred to Annexure P-1 dated 28.1.2002 addressed to the Deputy Commissioner (Finance) Kendriya Vidyalaya Sangathan (HQ), New Delhi by Assistant Commissioner, Kendriya Vidyalaya Sangathan (Jammu Region) Jammu, asking for release of the payment towards GIS and Leave Encashment of the applicant. Learned counsel stated that since sanction has to be made by Kendriya Vidyalaya Sangathan (HQ), therefore, the Principal Bench of Central Administrative Tribunal has jurisdiction in the matter.

3. To a specific query, learned counsel stated that he is not aware whether the applicant has made a representation to the respondents for release of leave encashment amount. Without dwelling upon various aspects of the matter, I find that applicant has approached this court pre-maturely without making a representation to the respondents. In this view of the matter, in my considered view, this OA can be disposed of at this stage itself without putting the respondents on notice with the following directions to the parties:-

i) Applicant shall make a representation to the respondents within a period of 15 days from now;.

ii) Respondents shall dispose of a representation of the applicant within two months from the date of receipt of the representation by passing a detailed, reasoned and speaking orders.

4. OA is disposed of accordingly. No costs.

V.K. Majotra
(V.K. Majotra)
Member (A)

cc.