

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

Original Application No.20/324/2018

Date of C.A.V.:14.08.2019

Date of Pronouncement: 20.08.2019

Between:

V. Veeralankaiah
S/o V. Veeraiah
Aged 60 years
Retd. Chief Office Superintendent, Group `B'
O/o The Senior Divisional Electrical Engineer
South Central Railway, Guntakal Division, Guntakal
R/o D.No.6/929, Benchikottal, Guntakal
Anantpur District-515402. Applicant

AND

1. Union of India represented by
The General Manager
South Central Railway
Rail Nilayam,
Secunderabad.
2. The Senior Divisional Personnel Officer
South Central Railway
Guntakal Division, Guntakal
3. The Senior Divisional Financial Manager
South Central Railway
Guntakal Division, Guntakal. ... Respondents

Counsel for the Applicant ... Mr. K.R.K.V.Prasad
Counsel for the Respondents ... Smt. Vijaya Laxmi, proxy of Mr. T.
Hanumantha Reddy, SC for Railways

CORAM:

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

ORDER

2. The OA has been filed in regard to the discrepancy in respect of Leave Encashment.

3 Brief facts of the case are that the applicant retired from service on 31.10.2017 as Chief Office Superintendent from the respondents organization. Applicant has been paid leave encashment (i.e. Leave Average Pay) for five days and half leave encashment (i.e., LHAP) for 60 days against the balance in his credit to the extent of 192 days of Leave Average Pay (LAP) and 330 days of LHAP. As the applicant's representation dated 27.11.2017 was rejected on 15.02.2018, the OA has been filed.

4. The contentions of the applicant are that the action of respondents in unilaterally rejected 187 days of LAP and 270 days of LHAP from the leave account is not only violative of Articles 14 and 16 of the Constitution of India, but also caused severe financial loss. Respondents have communicated the leave at credit of the applicant from time to time and when it was reduced, applicant was not put on notice. Impugned order issued does not contain full details of the leave at credit and the leave utilized, over a period of time. Figures shown by the 2nd Respondent are different from the figures indicated by the 3rd

Respondent. It is the 2nd Respondent, who is the custodian of the records, and not the 3rd Respondent.

5. Respondents in their reply statement have informed that based on the representation of the applicant, after his retirement, dated 27.11.2017, the matter was examined with reference to the leave records and applicant informed on 14.2.2018. The leave balance shown was provisional and has not been certified by the Associate Finance. Respondents also state that they have implemented Integrated Payroll and Accounting System (IPAS) wherein the data of the employees have been posted and based on such data, the salary bill was prepared. The IPAS programme is under implementation phase and, therefore, the leave balance shown in the Pay Slip is provisional and subject to verification of Associate Finance. The leave chart of non-gazetted employees is also maintained manually along with Service Register and the leave particulars of the employees would be verified by the Associate Finance at the time of retirement of the employees. Hence, the claim of the applicant that he is having leave balance of LP 192 days and LHAP 360 days as on date of retirement is incorrect. The leave at credit at the time of retirement of applicant was 5 days of LAP and 60 days of LHAP. Leave balance of the applicant, as on 24.1.2013, was

communicated without certification of the Associate Finance vide letter dated 24.01.2013 with the clause that the details are only 'Provisional'.

6. Heard both the learned counsel and perused the pleadings on records.

7. (I) Applicant has claimed that he has a balance of 192 days of LAP and 330 of LHAP. The Tribunal directed the respondents to re-verify the leave chart and submit the latest details. Accordingly, respondents verified and filed an affidavit on 9.8.2019 stating that the LAP was 107 days and LHAP was 132 days. Therefore, it is evident that there is some discrepancy in working out the leave account of the applicant, and it appears that the confusion was due to the implementation of the IPAS programme. Respondents have asserted that the leave balance at the time of retirement of applicant was verified by the Associate Finance, and then certified. Thereafter, the leave encashment was permitted for LAP of 5 days and LHAP of 60 days. Nevertheless, when directed to re-verify the leave account of applicant, respondents have fairly stated that the LAP available is 107 days and LHAP is 132 days. Therefore, there is inconsistency in submitting the correct figures pertaining to the leave account of applicant. Besides, latest details communicated by the respondents on 9.8.2019 have not been certified by the Associate Finance. The learned counsel for the applicant has submitted that the

leave at credit of the applicant when he worked as Constable in Railway Protection Force (RPF) from 1979 to 1985, has not been reckoned in arriving at leave due.

(II) In view of the above, it would be fair and just to direct the respondents to re-verify the leave account of the applicant by keeping in view the grievance of the applicant that the leave at credit, while working in RPF was not taken into account. Besides, after re-verification, leave account has to be got certified by the Associate Finance. Thereafter, the leave balance arrived at, on the eve of retirement of the applicant, be intimated to enable the applicant for en-cashing the same as per extant rules of the respondents organization. The above exercise be done within a period of two months from the date of receipt of a certified copy of this order.

With the above directions, the OA is disposed of with no order as to costs.

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

Dated, the 20th day of August, 2019

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