

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 02.01.2017

Coram

The Honourable Mr. Justice K.K.SASIDHARAN
and
The Honourable Mr. Justice V.PARTHIBAN

W.P.No.1504 of 2015

N.A.Khan Lodi

.. Petitioner

Versus

1. Union of India, rep. by
The General Manager,
South Central Railways,
Secundrabad
 2. The Divisional Railway Manager,
Guntakkal Division,
South Central Railway,
Guntakkal-515801.
 3. The Sr.Divisional Personnel Officer,
Guntakkal Division,
South Central Railway,
Guntakkal-515801.
 4. The Sr.Divisional Financial Manager,
Guntakkal Division,
South Central Railway,
Guntakkal-515801.
- सत्यमेव जयते .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records in respect of OA 281 of 2011 by its order dated 19.4.2013 passed by the Central Administrative Tribunal, Madras Bench, quash the same and grant the relief as claimed for in the petition and direct 4th respondent to make payment for the balance 96 days of leave on average pay (LAP) encashment to the credit of the petitioner available in his records.

For Petitioner : Mr. S.Sundar

For Respondents: Mr.P.T.Ramkumar
Standing counsel

ORDER

(Order of the Court was delivered by V.PARTHIBAN, J.)

This Writ Petition has been filed against the order passed by the Central Administrative Tribunal (in short 'the Tribunal') dated 19.4.2013, in O.A.No.281 of 2011 dismissing the Original Application filed by the petitioner, seeking leave encashment for the balance 96 days of leave on average pay (in short, 'LAP') encashment to the credit of the petitioner available in his records.

2. The petitioner, having worked as Deputy Chief Ticket Inspector, retired from Railway service with effect from 30.08.2008. According to him, at the time of his retirement, he had 300 days of leave to his credit. The petitioner, however, was granted encashment only 204 days and not as claimed by him. Therefore, the petitioner approached the learned Tribunal with the above mentioned prayer.

3. Before the Tribunal, on behalf of the petitioner, it was contended that the petitioner had a credit of 300 days of LAP which fact was reflected in his pay slip. Resisting the prayer of the petitioner, the Department contended before the Tribunal that it was mistakenly mentioned in the pay slip that the petitioner was having 300 days of LAP to his credit, but actually number of days available to his credit were 204 days only and in support of the said contention, documents were produced before the Tribunal by the Department.

4. After taking note of the submissions of the parties and after perusal of the leave account showing the details availed by the petitioner from the date of his appointment to the date of his retirement, the learned Tribunal came to the conclusion that the petitioner had only 204 days to his credit towards LAP. The statement of leave account produced on behalf of the Department was also not disputed by the petitioner by filing any rejoinder. Therefore, the learned Tribunal rightly concluded that the petitioner was correctly settled with 204 days of LAP and denied the petitioner his claim for 300 days of LAP.

5. As against the above order, the present writ petition has been filed.

6. The learned counsel for the petitioner reiterated his submissions put forth before the Tribunal, but unable to bring forth any document to rebut the factual finding rendered by the learned Tribunal. On the other hand, on behalf of the Department, leave account statement was produced and it was found that the petitioner had only 204 days to his credit towards LAP. In the absence of any contra evidence, this Court is left with no other option except to conclude that the order passed by the learned Tribunal dismissing the application, cannot be interfered with.

With the above observation, the Writ Petition is dismissed as devoid of merits. No costs.

sd/
Assistant Registrar (CS III)

/true copy/

Sub Assistant Registrar

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+1cc to Mr.P.T.Ramkumar, Advocate, SR.No.96

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VSN(CO)
GN(31/01/2017)