

S-8 & 9.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3425/2017**

+ **W.P.(C) 3454/2017**

L.N. YADAV

..... Petitioner

Through: Mr. Anubhav, Mr. Yashwant Yadav
Mr. Alok Bandhu & Mr. Vinod Bhati,
Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

03.05.2017

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1. The aforesaid two petitions have been preferred by the petitioner. In W.P. (C.) No.3425/2017, the petitioner has assailed the order passed by the Tribunal in O.A. No. 3564/2012 dated 18.08.2015. In W.P. (C.) No.3454/2017, the petitioner assails the order dated 16.12.2014 passed in O.A. No. 3099/2012. The nature of claims made by the petitioner in those these cases was the same. The petitioner claimed that the respondent had not made payment of the amount due to him.

2. A perusal of the order dated 18.08.2015 shows that the petitioner was removed from service on 30.01.1977 and reinstated in service on 12.04.1979. The interregnum period between 30.01.1977 to 11.04.1979 was treated as not spent on duty, i.e. dies non. When the petitioner retired on

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attaining the age of superannuation on 31.12.2002, he was granted leave encashment for 157 days. The petitioner claimed that for the period treated as dies non, he was entitled to all consequential benefits, and consequently, 75 days credit HAP should have been given in his leave account. This claim has been rejected by the Tribunal by observing that the petitioner has not been able to make good his claim by placing reliance on any order of any Court or Tribunal, Rule, Circular, or order issued by the Railways.

3. The submission of the petitioner is that apart from making a claim for credit of 75 days HAP in his leave account for the period treated as dies non, there were other periods which had not been accounted for and given credit, into the petitioner's leave account.

4. This submission of the petitioner is completely vague and the claim has not been particularised. In these circumstances, we find no merit in W.P. (C.) No. 3425/2017 and dismiss the same.

5. So far as the order dated 16.12.2014 passed in O.A. No. 3099/2012 is concerned, the position appears to be no different. A perusal of the said order, once again, shows that the petitioner has made general allegations of the respondent not making full payment as allegedly due to him. It appears that the petitioner had earlier filed O.A. No.2532/2004 alleging non-payment of salary and allowances for the period of 96 days of leave sanctioned by the respondent Railways. The said Original Application was disposed of on 14.09.2005 and the finding returned by the Tribunal was that the petitioner had already been paid is salary for the said period. Still the Tribunal left it to the petitioner to establish his claim before the Railways.

6. Instead of making good his claim, the petitioner preferred a review application being RA No.220/2005, which too was dismissed by the Tribunal on 31.10.2005.

7. He, consequently, preferred W.P. (C.) No.6029/2006, which too was dismissed on 10.02.2006.

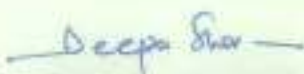
8. The impugned order shows the stubbornness of the petitioner. He yet again preferred O.A. No. 3452/2010 raising the same issue, which was disposed of on 09.11.2011.

9. Once again, he preferred a review application being RA No.17/2012, which too was disposed of on 03.02.2012. On the directions of the Tribunal, the matter was re-examined by the respondent and, once again, the order was passed on 28.03.2012 that the petitioner is not entitled to any amount claimed by him.

10. It appears that the petitioner is making bald claims without any particularisation of his claim, or disclosure of the basis on which he is raising his claim. In these circumstances, we find no error in the order dated 16.12.2014.

11. Both the writ petitions are, accordingly, dismissed.


VIPIN SANGHI, J


DEEPA SHARMA, J

MAY 03, 2017
H.S. Rohilla