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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

M.A.NO.2396/2001

IN

O.A.NO.875/2001

Wednesday, this the 21st day of November, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

Shri Shakti Trivedi, S/O Dr. N.L.Trivedi
Ex.Asstt. Eitor (Hindi)
Indian Council of Agricultural Research
(ICAR), Krishi Bhawan, New Delhi
Now residing at B-25, Gulmohar Park
New Delhi-49.

..Applicant

(By Advocate: Shri S.C.Luthra)

Versus

Director General
Indian Council of Agricultural Research
(ICAR), Krishi Bhawan, New Delhi

..Respondent

(By Advocate: Ms. Neelam Thakur)

O R D E R (ORAL)

Heard the learned counsel on either side on MA for condonation of delay as well as on OA.

2. The applicant was compulsory retired w.e.f. 4.1.1990. Later, in 1994, he was acquitted in the criminal case that had been going on against him. The prayer made in the OA is for a direction to the respondent to pay interest to the applicant @ 18% p.a. on the leave salary amount of Rs.43,468/- from 5.1.1990 upto 27.10.1999. A further prayer made is for a direction to pay interest at the same rate on the amount of gratuity (Rs.54,688/-) from 1.1.1995 upto 22.12.1999. The amounts of leave salary and gratuity respectively had been paid on 28.10.1999 and 23.12.1999.

3. In the reply filed by the respondent, the plea of limitation has been raised by contending that since the

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aforesaid payments were made respectively in October and December, 1999, the applicant should have filed an OA claiming interest within one year thereafter. This is ^{not} particularly because the applicant has preferred not to file any representation in respect of the delayed payment of leave salary and gratuity.

4. The present MA, being MA-875/2001, has been filed seeking condonation of delay only after the respondent has raised the aforesaid plea of limitation in ~~the~~ clear enough terms. I have considered the grounds taken in the aforesaid MA and am the least convinced about the justification given. The aforesaid MA is, therefore, rejected. For the same reasons², the OA also fails and is accordingly dismissed without any order as to costs.

S. A. T. Rizvi

(S.A.T. Rizvi)
Member (A)

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