

Central Administrative Tribunal
Principal Bench

O.A. No. 1068 of 1999

New Delhi, dated this the ¹²10 May, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Jagdish Kumar,
R/o B-28/186, Janakpuri,
New Delhi-110058.

... Applicant

(Applicant in person)

Versus

1. Council of Scientific &
Industrial Research through
Jt. Secretary (Admn.)
Rafi Marg, New Delhi.
2. National Physical Laboratory through
C.O.A.
Dr. K.S. Krishnan Marg,
New Delhi-110012.
3. Central Road Research Institute through
C.O.A.
Delhi Mathura Road,
New Delhi-110020. .. Respondents

(By Advocate: Shri Manoj Chatterjee)

ORDER

MR. S.R. ADIGE, VC (A)

Heard both sides.

2. The only surviving grievance is the claim for interest on the sum of Rs.20,317/- retained by respondents out applicant's leave encashment dues upon his retirement from service on 31.5.96, which was eventually released to him on 28.4.2000 vide copy of Register of payment of Gazetted Officers Establishment taken on record.

3. Respondents in their reply have sought to

defend their decision to retain the aforesaid sum ^{out} of applicant's leave encashment, on the ground that pursuant to their O.M. dated 5.8.94, applicant's pay had to be refixed, which entailed recoveries of the aforesaid amount from him, and as the same could not be recovered from his salary, it was recovered from his leave encashment dues.

4. We have considered the matter carefully.

5. These recoveries relate to promotions said to have been made erroneously as far back as 1.9.79. Respondents have waived the recoveries by their letter dated 18/21.2.2000 taken on record, and we have already noticed that the sum of Rs.20,317/- has been refunded to applicant on 28.4.2000. No satisfactory reason has been furnished why it took such a long time to take a decision whether to waive the recoveries or not, particularly after applicant retired on superannuation on 31.5.96.

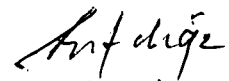
6. However, as the applicant has himself filed this O.A. only on 7.5.99, we consider it fit and proper to confine the claim of interest to one year prior to filing of the O.A., and to round off

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the date. We, therefore, dispose of this O.A. with a direction to respondents to pay applicant interest @ 12% p.a on the sum of Rs.20,317/- from 1.4.98 till 28.4.2000. These directions should be implemented within three months from the date of receipt of a copy of this order. No costs.


(Kuldip Singh)
Member (J)


(S.R. Adige)
Vice Chairman (A)

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