

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.2268/98

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)

New Delhi, this the 10th day of September, 1999

Shri Harbans Singh
S/o Shri Sant Singh
R/o EA-147/2, Tagore Garden
New Delhi 110 027

.....Applicant

(By Advocate: Shri Umesh Singh)

Versus

1. Lt. Governor
Govt. of N.C.T. of Delhi
Raj Niwas, Delhi
2. The Development Commissioner
Govt. of N.C.T. of Delhi
5/9, Under Hill Road
Delhi

....Respondents

(By Advocate: Shri Rajender Pandita)

O R D E R (ORAL)

The applicant, who was working as Project Officer(M.C.) under the respondents, had retired on reaching the age of superannuation on 31.8.1995. Prior to his retirement, on 21.6.1995, major penalty proceedings were initiated against him. These came to an end by an order dated 9.7.1996 by which the applicant was exonerated. The respondents, however, delayed the payment of leave encashment and gratuity. The former was released to him on 9.9.1998 and the latter on 7.8.1998. He has come before the Tribunal seeking a direction to the respondents for payment of interest at the rate of 24 per cent per annum for the period of delay in payment.

2. The respondents in reply have stated that the applicant was first charge-sheeted on the allegation

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that he had concealed the fact of an accident of the vehicle No.D1-2C-1930 which was at his disposal. The matter was also before the M.A.C.T. court and a separate enquiry was conducted against the applicant under CCS (CCA) Rules. They also say that the case against the applicant was delayed not on account of the respondents but due to the applicant himself.

3. I have heard the counsel. The admitted facts are that the applicant who was charge-sheeted under CCS (CCA) Rules prior to his retirement ^{has been cleared} and the applicant has since been exonerated. In view of this position the applicant is entitled to compensation for the delayed payment of his retiral benefits. The respondents case that the amount of leave encashment was not payable to the applicant in order to safeguard the compensation payment by the department does not stand to reason. If there was any criminal liability that would have been of the applicant himself and not of the department. In any case the respondents did not say as to how they finally came to release the leave encashment on 9.1.1998. In view of this position since the respondents have delayed the payment of retiral benefits to the applicant for no fault of his, he is entitled to payment of interest thereon.

4. The O.A. is, therefore, disposed of with a direction that the respondents will pay 12 per cent per annum interest on delayed payment of leave encashment three months from the date of retirement to the date of actual payment. They will also pay interest at the rate of 18 per cent on delayed payment of gratuity

or

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three months from the date of retirement to the date of actual payment. The order will be implemented within a period of three months from date of receipt of this order.

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R. K. Anooja
(R.K. ANOOJA)
MEMBER (A)