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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

Date of decision: 14.8.1989

R.A.

Regn. No. 84/89 in OA 1020 of 1988

B.S. Mainee Applicant

Vs.

Union of India & Others Respondents

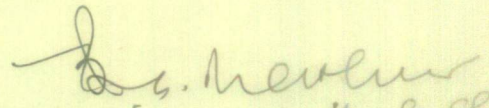
A Review Application has been filed by Shri B.S. Mainee against the judgment passed by the Division Bench on 26.4.1989. It has been stated by the applicant that the Tribunal had directed the respondents to charge normal rent for the Railway flat and issue complimentary passes to the applicant with immediate effect. The further Tribunal had/observed that legally the applicant was not entitled to get any interest on delayed payment, but the respondents would not be liable to pay any interest on the delayed payment of gratuity in view of continuous occupation by him of the Government flat. While the Tribunal passed orders regarding interest on delayed payment of gratuity, no orders were passed in regard to interest on delayed payment of leave encashment. The leave encashment could not have been withheld for any reason whatsoever and

retention of Government quarter or for any other reason as there is absolutely no reason for withholding the amount of leave encashment. The applicant was paid a sum of nearly Rs. 15,000/- in November 1987 and the Tribunal omitted to pass orders for paying interest on this delayed payment. In view of this omission, the applicant has prayed for reviewing the judgement and to direct the respondents to pay interest at the rate of 18% per annum on the amount of leave encashment which was actually delayed for more than four years.

2. We have gone through the Review Application and we find that actually no new points have been brought out in this Application. While passing the judgment it was noted that neither the applicant was entitled to continue to remain in the Government quarter nor the respondents entitled to charge peneal rent for the house or to stop complimentary passes and it was ordered that neither the Railways would pay any interest on delayed payments nor the applicant would be liable to pay the market rent for the house but will pay only the normal rent. The intention was very clear that the respondents would not pay any interest on delayed payments due to the applicant which would include gratuity and leave encashment and on their part the respondents

would not charge market/penal rent but only ordinary rent for the Government house occupied by the applicant. As such, there has been no patent omission or apparent error or law which requires any change in order. As such, the Review Application is rejected.


(P.K. KARTHA)
VICE-CHAIRMAN


(B.C. MATHUR) 14-8-89
VICE-CHAIRMAN