

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-2263/2004

New Delhi this the 19th day of April, 2005.

Hon'ble Shri Shanker Raju, Member(J)

Heera Lal Mittal,
S/o late Sh. Ramu Mal,
R/o G-5, Shakurpur,
Delhi-92.

..... Applicant

(through Sh. R. K. Shukla, Advocate)

Versus

Govt. of NCT of Delhi through its

1. Chief Secretary,
Delhi Secretariat,
I.P. Estate, New Delhi.
2. The Directorate of Education,
through its Director,
Old Secretariat,
5, Shyam Nath Marg,
Delhi-54.
3. Principal,
Sarvodaya Bal Vidyalaya,
Mayur Phasie-I, Pocket-II,
Delhi-91.

..... Respondents

(through Sh. Vijay Pandita, Advocate)

Order (Oral)

Heard the learned counsel.

2. The sustaining grievance of the applicant is interest on delayed payment of leave encashment and CGEIS.
3. Applicant was retired on superannuation on 31.03.2004. Bills for his leave encashment and CGEIS were prepared on 24.08.2004 and 26.08.2004 respectively and the amount was ultimately disbursed on 05.10.2004 and 30.10.2004 respectively. It is contended by the learned counsel of the applicant that the delayed payment without any justifiable cause and explanation entails interest.

4. On the other hand, respondents' counsel contends that the bills were prepared and thereafter cheque was received by PAO for leave encashment on 16.09.2004 and the applicant was informed but he did not turn up which he ultimately collected on 05.10.2004. In so far as CGEIS is concerned, on queries, the bill was resubmitted and a cheque was received on 26.10.2004 which was delivered to the applicant on 30.10.2004.

5. The aforesaid delay is shown to be attributable to the applicant.

6. I have carefully considered the rival contentions of the parties and perused the material placed on record.

7. As the applicant was superannuated on 31.03.2004, he should have been paid the amount of leave encashment and CGEIS immediately. Assuming applicability of Rule 68 of the CCS (Pension) Rules, 1972 to these amounts as well, the payment should have been made on 30.06.2004. The delay shown attributable to the applicant is not correct as the cheque for CGEIS was sent while cheque for leave encashment was not sent to the applicant. Late preparation of the bills, calculation of amount and actual payment, took a considerable long which, in my considered view, is not attributable as the applicant rather the delay is unexplained by the respondents.

8. In the light of decision of Apex Court in *Vijay L. Mehrotara Vs. State of U.P.* (AIR 2000 SC 3513), O.A. is partly allowed. Respondents are directed to pay to the applicant interest at the simple rate of interest of 12% p.a. on leave encashment from 30.06.2004 till 05.10.2004 and CGEIS from 30.06.2004 till 30.10.2004, within a period of two months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)

Member(J)