

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO. 1533 of 1993

New Delhi, this the 12th day of January, 1994.

Hon'ble Mr. J.P.Sharma, Member(J).

Shri J.N. Manglik,
s/o late Shri Makhan Lal,
UDC, Central Revenue Control Laboratory,
Pusa, New Delhi-110012,

r/o: J-6A, East Vinod Nagar,
New Delhi-91.
(By advocate: Shri D.S.Chaudhary)

...Applicant

VERSUS

1. Union of India, through
The Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi-110001.

2. Dr. Badri Parsad,
Chief Chemist,
Central Revenue, Pusa,
New Delhi-110012.

...Respondents

(By advocate: Shri R.R.Bharti)

O R D E R (ORAL)

The applicant was retired on superannuation on 31-1-93 while employed in Central Revenue Control Laboratory, Pusa, New Delhi. The case of the applicant is that there is leave outstanding was liable to encashed and the payment was to be made to him on the basis of the extant rules but the same has been deliberately delayed by respondent no.2 Dr. Badri Parsad, Chief Chemist as he did not issue the necessary orders.

2. In the application, the only relief claimed is that interest @ 18% p.a. be allowed on delayed payment of leave encashment of Rs.27,648 till the date the amount was paid in July, 93. He has also prayed to institute certain proceedings against respondent no.2 Dr. Badri Parsad.

3. A notice was issued to the respondents who

contested the application and filed the reply stating that there was no administrative lapse on the part of the administration. The time taken was to ascertain the nature of the leave due to the applicant on the date of retirement and it has taken certain time. The payment has not been deliberately withheld and the allegations imposed on respondent no.2 are unjustified, untenable and unsubstantial.

4. I have heard the learned counsel for the parties at length .

5. The award of interest in the common parlance is allowed when there is unnecessary enrichment to a party. The respondents, by retaining the amount of encashment, have not unnecessarily enriched. The other aspect is that the applicant has been deprived of certain benefits in terms of money by non-payment of the amount expeditiously. This grievance of the applicant can be judged where there was any lapse on the part of the respondents or not. The delay in the case is hardly of 7 months. The applicant has levelled certain allegations against respondent no.2 Dr. Badri Parsad. It is unnecessary to go through those allegations. It is in the discretion of the Bench or the court to award interest and I don't find this case as such where the award of interest can be granted.

6. In view of above, the application is dismissed, leaving the parties to bear their own costs.

J. P. Sharma
(J.P.SHARMA)
MEMBER(J)

'kalra'
12011994.