

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. RA 16 of 98  
(OA 682 of 96)

Present : Hon'ble Mr.D.Purkayastha, Judicial Member

AJIT KR. SAHA

VS

UNION OF INDIA & ORS.

For the applicant : Mr.S.R.Roy, counsel

For the respondents: Mr.C.Samadder, counsel

Heard on : 27.8.98

Order on : 27.8.98

O R D E R

This application has been filed by the applicant for review of the order dated 8.5.98 passed in OA 682 of 96 by this Single Bench of the Tribunal. It is stated by the applicant that there is an error in the order by omission in respect of the granting relief to the applicant as prayed for in the application where it is prayed by the applicant that the respondents be directed to pay interest on the leave salary from 1.2.91 to 31.12.95 at the rate of 18%. I have heard the ld. counsel for both the parties. But it is found from the record that the respondents did not file any reply to the OA as well as <sup>to</sup> the present application for review. But the ld. counsel for the respondents has drawn my attention to the Railway Board's circular dated 12.6.91 at Annexure A/11 to the application which does not say regarding payment of leave salary and thereby Mr.Samadder submits that it should be assumed that the prayer was rejected by the Tribunal. But I have considered the submission of the ld. counsel for both the parties and have gone through the order dated 8.5.98 passed by me. I find that the applicant raised the claim of interest on the leave salary w.e.f. 1.2.91 to 31.12.95 at the rate of 18% as mentioned in relief in para 8(c) of the application. On perusal of the said judgment it is found that no discussion regarding the entitlement of leave salary was made

neither it was rejected. I find that there was an omission which was a material error on the part of the Court. In view of the above it is an error in the judgment and it requires to be reviewed and corrected for the interest of justice because wrong should not be allowed to continue due to the technical <sup>procedure</sup> process of the law. I have considered the circular referred to above in Annexure A/11 to the application. But nowhere it is stated that no interest can be paid on the delayed payment of leave salary. Since there is a delay on the part of the respondents in making payment of the dues including leave salary thereby he is entitled to get the interest on that amount too. In view of the above the applicant will be entitled to get interest at the rate of 12% on the leave salary as claimed ~~in~~ in the application. Accordingly the RA is allowed awarding no costs.

*H. M. 21/8*  
(D. PURKAY ASTHA)  
MEMBER (J)