

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No.46/2013

Wednesday, this the 11th day of December, 2013.

CORAM

Hon'ble Mr. Justice A.K. Basheer, Member (J)

Hon'ble Mr. K. George Joseph, Member (A)

V. Santhakumari, age 62 years
W/o Bharghvan
Retired Staff Nurse
Labour Welfare Organization
Ministry of Labour and Employment.
Residing at Pratheeksha, Kizhakkann Kozhuval
Nileshwar P.O., Kasaragod.

Applicant

(By Advocate: Mr. Martin G. Thottan)

Versus

1. Union of India represented by
Secretary to Govt. of India
Ministry of Labour & Employment
New Delhi-110 001.
2. Deputy Welfare Commissioner
Labour Welfare Organization
Thana Post, Cananoor-670012.
3. Welfare Commissioner
Labour Welfare Organization
Bangalore 560 002.
4. The Pay & Accounts Officer
DGET-II, Chennai-600 032.

Respondents

(By Advocate: Mr. Sunil Jacob Jose, SCGSC)

The Original Application having been heard on 11th December, 2013, this Tribunal on the same day delivered the following order:-



ORDER

Hon'ble Mr. Justice A.K. Basheer, Member (J)

Applicant who retired from service on May 31, 2010 while working as Staff Nurse in the Labour Welfare Organization has filed this Original Application seeking the following reliefs:

a. Direct the respondents to disburse the MACP arrears and difference of Rs.10286/- towards leave encashment amount to which the applicant is entitled.

b. Declare that applicant is entitled for 12% interest on delayed payment of leave encashment amount and also the MACP arrears w.e.f. 31.08.2010 till the actual payment and to direct the respondents accordingly.

2. When this case is taken up for consideration today, we are informed that the respondents have disbursed the entire sum of Rs.3,44,707/- being the amount payable to the applicant towards "leave encashment".

3. Learned counsel for the applicant points out that the dues towards "leave encashment" ought to have been paid to the applicant immediately on her retirement. But the said amount was disbursed to her in two installments. Initially a sum of Rs.3,34,421/- was paid on November 5, 2012, two years after her retirement. Still worse, the balance amount of Rs.10,286/- was paid only on November 29, 2013. Learned counsel submits that the applicant is entitled to get interest for the delayed payment. There is considerable force in the above contention.

4. However, it is submitted by the learned counsel who appears for respondents 2 & 3 that the entire amount of Rs.3,44,707/- was sanctioned for payment by 2nd respondent on October 25, 2011 but the delay in disbursement occurred at the hands of respondent No.4.

5. Be that as it may, it is apparent that there was a delay of 17 months at the hands of respondent No.2. Thereafter payment was delayed by respondent No.4 for about one year. The entire dues were cleared only in November, 2013. Keeping in view the entire facts and circumstances of the

case, we are satisfied that respondents 2 & 4 have to be directed to pay interest on the entire sum of Rs.3,44,707/- @ 9% from September 1, 2010 till November 5, 2012 when the major part of the dues viz. Rs.3,34,421/- was paid to the applicant. Ordered accordingly. The said amount shall be paid by respondents 2 & 4 equally within a period of one month from the date of receipt of a copy of this order.

6. Original Application is disposed of in the above terms.



(K. George Joseph)
Administrative Member



(Justice A.K. Basheer)
Judicial Member

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