

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ERNAKULAM BENCH**

**Original Application No. 258 of 2013**

**Friday, this the 6<sup>th</sup> day of December, 2013**

**CORAM:**

**Hon'ble Mr. Justice A.K. Basheer, Judicial Member**

Ambikavathi K., Administrative Officer of  
 Central Excise (Retd.), Ambi Nivas, T.C. 9/817-2,  
 Jawahar Lane, Sasthamangalam PO, Trivandrum-10. .... **Applicant**

**(By Advocate – Mr. C.S.G. Nair)**

**V e r s u s**

1. Union of India, represented by its Secretary,  
 Department of Revenue, North Block, New Delhi -110 001.
2. The Chief Commissioner of Central Excise, Customs and Service Tax,  
 Central Revenue Buildings, I.S. Press Road, Cochin – 682 018.
3. The Commissioner of Central Excise, Customs and Service Tax,  
 ICE Bhavan, Press Club Road, Trivandrum -695 001.
4. The Assistant Commissioner of Central Excise, Service Tax Division,  
 ICE Bhavan, Press Club Road, Trivandrum – 695 001.
5. Pay & Accounts Officer, Central Excise, ICE Bhavan, Press Club Road,  
 Trivandrum – 695 001. .... **Respondents**

**(By Advocate – Ms. Deepthi Mary Varghese, ACGSC)**

This application having been heard on 06.12.2013, the Tribunal on the same day delivered the following:

**OR D E R**

Applicant retired from service on December, 31 2012 while she was working as Administrative Officer in the Central Excise Department. The primary prayer in this Original Application is to issue a direction to the respondents to draw and disburse the leave encashment amount of Rs.

3,57,930/- with interest at 12% per annum. There is a further prayer to issue a direction to the respondents to draw and disburse to her the amount due under the Central Government Employees Group Insurance Scheme.

2. It appears that the applicant had approached the competent authority with the above request before filing this Original Application. In response to the above request the respondents had informed the applicant in Annexure A4 communication as hereunder:-

"As you are aware Shri K.S. Radhakrishnan, Superintendent of this division retired from service on superannuation with effect from 30.11.2012. But you had drawn salary for the month of December, 2012 and credited to his account. An amount of Rs. 63,129/- has been credited to his account and an amount of Rs. 3150/- deducted against income tax and CGEGIS. A lot of inconvenience has been caused to the department due to this erroneous drawal. Moreover, erroneous drawal of government money is a serious offence. The amount is to be credited to government account. As you were the DDO at that time an amount of Rs. 3150/- (under the head salaries) is to be deducted from your bill of cash payment in lieu of unutilized portion of Earned Leave. Action is being taken to debit the amount.

As regards disbursement of CGEGIS, the PAO has returned the bill pointing out objections that (1) the bill should be in prescribed Annexure C (2). Attach a received bill and (3) the amount worked out is not correct."

Applicant has assailed the above communication also in this Original Application while making the prayers mentioned supra.

3. When this Original Application is taken up for consideration it is brought to my notice that the sum payable to the applicant under Central Government Employees Group Insurance Scheme, namely, Rs. 43,894/- has already been disbursed to her. Similarly it is pointed out by the respondents that a sum of Rs. 3,54,780/- payable to the applicant towards leave

encashment had already been disbursed to her on April 30, 2013. Thereafter a short fall of Rs. 3,150/- was also made good on May 31, 2013. Thus it is contended by the respondents that all the due payable to the applicant have been disbursed to her and therefore, this Original Application has become infructuous.

4. However, learned counsel for the applicant contends that the respondents are liable to pay interest for the delayed payment of Rs. 3,57,930/- towards leave encashment; at least for the period of three months from February 1, 2013 till April 30, 2013. In support of the above contention he places reliance on the decision of their Lordships of the Supreme Court in Union of India Vs. S.S. Santhawalia – 1994 (2) SCC 240.

5. Learned counsel for the respondents submits that the short delay of about three months for disbursement of the above sum occurred only because of the lapse on the part of the applicant herself. Learned counsel invites my attention to Annexure A4 communication sent by the respondents in this regard in which it had been pointed out that the applicant who was the Drawing and Disbursing Officer had mistakenly drawn the salary of a retired employee (Sri K.S. Radhakrishnan) for the month of December, 2012 and credited the sum in his account even though the said employee had superannuated in the previous month. The said amount of Rs. 63,129/- mistakenly paid to the said employee was later reimbursed by him to the Department. Because of the above mistake committed by the applicant, the Department had to necessarily complete the process of verification and

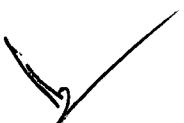


review of the entire issue. This understandably caused a short delay of about three months in disbursement of the amount towards leave encashment. But learned counsel for the applicant submits that this process could not have taken such a long time and the Department is liable to pay interest at least for three months from February to April.

6. In this context it is also pointed out by the learned counsel for the respondents that the applicant had in fact claimed a sum of Rs. 31,003/- under Central Government Employees Group Insurance Scheme. But in fact the Department had pointed out to her that she was entitled to get Rs. 46,894/-. Thus it is contended by the learned counsel that the Department was vigilant and prompt in the case of the applicant and paid the entire dues to her without any delay.

7. Having regard to the entire facts and circumstances of the case I am of the view that there is no wilful delay or laches on the part of the respondents in disbursing the sum of Rs. 3,57,930/- to the applicant. The short delay had occurred only because of the circumstances stated by the respondents.

8. It has been noticed already that the applicant had retired on December 31, 2012. The above dues were paid on April 30, 2012 after sorting out the confusion created by the applicant because of the payment made by her to another retired employee in December, 2012. This Original Application was filed in March, 2013. Learned counsel contends that the respondents would not have made the payment so quickly if the applicant had not approached



this Tribunal. Be that as it may, the dues have been paid without much delay. Therefore, the claim made by the applicant for interest cannot be sustained.

9. Original Application is dismissed.

*mmws*  
**(JUSTICE A.K. BASHEER)**  
**JUDICIAL MEMBER**

**“SA”**