

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 349 of 1998.

Friday this the 17th day of July 1998.

CORAM:

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

P. Prabhakaran,
S/o Late K.P. Damodaran,
Last employed as Programme Executive,
All India Radio, Thrissur,
residing at: 19/192, "Devikripa",
Poothole, Thrissur-4. .. Applicant
(By Advocate Shri Asok M. Cherian (represented))

Vs.

1. The Senior Accounts Officer,
Pay & Accounts Office (Individual
Revenue-Ledger Account),
Ministry of Information &
Broadcasting, A.G.C.R. Building,
New Delhi - 110002.
2. The Station Engineer,
All India Radio, Thrissur.
3. The Director General,
All India Radio, New Delhi. .. Respondents
(By Advocate Shri Varghese P. Thomas, ACGSC)

The application having been heard on 17th July 1998,
the Tribunal on the same day delivered the following:

O R D E R

The applicant seeks to direct the first respondent to calculate the leave encashment due to him and to pay the amount to him forthwith and also to direct the respondents to pay interest for the amount payable as per Annexure A-2, at market rate, from the period of his retirement till the date of payment.

2. The applicant was working in All India Radio as Programme Executive and retired on 30.4.1996 on attaining the age of superannuation. A retired Central Government employee is entitled to get cash equivalent of leave salary for his earned leave at his credit on the date of his retirement, subject to a maximum of 240 days. The applicant had at his

credit earned leave, unavailed of, at the time of his retirement which ^{he} is entitled to encash. Though the applicant submitted a representation to the first respondent nothing turned out.

3. The respondents have filed a reply statement stating that the first respondent could not make the payment of leave encashment to the applicant since sanction dated 13.11.1996 issued by the office of the second respondent was not received in the office of the first respondent and as soon as photo copy of the said sanction was received by the first respondent the amount of Rs.73,467/- towards leave encashment was released as per Cheque No. 448201 dated 26.3.1998.

4. It is admitted by the applicant that cheque for the said amount was received and encashed. The only dispute now is the remains with regard to interest on belated payment. As admittedly, the applicant retired on 30.4.1996 and the cheque was issued only on 26.3.1998, there is a considerable delay in disbursing the amount due to the applicant. The reason stated is so vague and the same cannot be accepted. If the sanction order issued from the office of the second respondent, was not received by the first respondent, the applicant is not responsible for the same. How the delay happened and who is responsible for the delay, is not disclosed in the reply statement. Therefore, applicant is entitled to 12% interest from the date of his retirement i.e. 30.4.96 till the issue of cheque i.e. 26.3.98.

5. Respondents are directed to pay the interest at 12% per annum on the amount of Rs.73,467/- from 30.4.96 till 26.3.98.

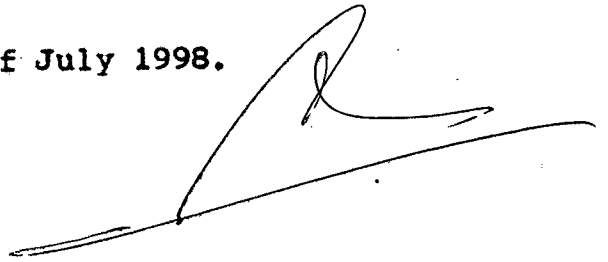
.....3/-



The 3rd respondent shall conduct an enquiry and find out who is/are responsible for causing the delay and recover the amount of interest paid from his/their salary.

6. Application is disposed of as aforesaid. No costs.

Dated this the 17th day of July 1998.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line.

A.M. SIVADAS
JUDICIAL MEMBER

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LIST OF ANNEXURE

1. Annexure A2: A true copy of the order of the 2nd respondent no. TRC.13(2) 96-S dated 13.11.1998.

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