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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 34/94.

Dt. of Decision : 26.12.94.

Penmatcha Venkata Krishnam Raju

.. Applicant.

Vs

1. The Union of India
Rep. by its Secretary,
Ministry of Defence,
New Delhi, DHQ (Post).
2. The Engineer in Chief,
Army Headquarters,
Kashmir House,
New Delhi-110 011.
3. CRO (officers),
Qb.CE, Delhi Zone,
Delhi Contt. - 110 010.
4. Chief Engineer (Navy), VSP,
Station Road,
Visakhapatnam-530 004, A.P.
5. Commander Works Engineers,
Station Road, Visakhapatnam-530 004.
6. JCDA(Funds), Meerut Contt.,
Meerut, U.P.
7. AAO, COA, Secunderabad,
Secunderabad-500 003.

.. Respondents.

Counsel for the Applicant : Mr. K.K. Chakravarthy

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

D.A. 34/94.

ORDER

1. As per Hon'ble Shri A.B. Gorthi, Member (Admn.)

The applicant who retired from the office of the Commander Works Engineer, Visakhapatnam (Respondent No.5) on 29.02.1992 claims by means of this DA interest on the delayed payments due to him on account of the Balance of Gratuity and the GPF. He also claims that he is entitled to encashment of 240 days leave and not 208 days of leave as calculated by the respondents.

2. Heard learned counsel for both the parties.

3. At the very outset, learned counsel for the applicant has submitted that the amount of Rs. 1,000/- due on account of the balance of gratuity has since been received by the applicant and that he has no further claim in this regard. As regards the balance of GPF amount of ~~Rs. 2,175/-~~ ^{to be due} the same was also received by the applicant but the contention of the applicant's counsel is that there was inordinate delay in the payment of the same and hence the applicant is entitled to receive interest on the said amount. In this regard learned standing counsel for the respondents stated that there was an accounting discrepancy ~~with the due of~~ ^{to be due} of Rs. 2,175/- in the GPF account of the applicant and that it was detected, not by the applicant, but by the administration itself. They having discovered the discrepancy asked the applicant some time in July 1993 to submit a contingent bill so that the balance amount could be paid to him. The applicant, for reasons best known to him took his own time to submit the contingent bill and hence the delay of payment of the amount. In view of the fact that the amount of Rs. 2,175/-

to be paid to the applicant was lying as a part of the GPF with the respondents for the period from 01.03.1992 to 31.07.1993, I am of the considered view that interest thereon at the prevalent rate should be paid to the applicant. Accordingly the respondents are directed to pay the applicant interest at the rate of 12% per annum on the amount of Rs.2,175/- for the period from 01.03.1992 to 31.07.1993. This shall be done within a period of 3 months from the date of communication of this order.

4. As regards the encashment of leave due to the applicant the respondents clarified in sufficient detail as to how the applicant had only 208 days as balance of leave and not 240 days as was erroneously stated by the administration at the time of retirement of the applicant. From the clarification given by the respondents it is seen that the applicant had availed 44 days commuted leave from 03.09.1991 to 16.10.1991 on medical certificate debitale to 88 days HPL. This fact is supported by PTO Sl.No. 43 dated 28.10.1991. Accordingly 134 days of HPL had to be debited. In the result there was an excess debit of 67 days in the HPL account of the applicant and consequently the balance of Earned Leave was reduced from 240 days to 208 days. Prima-facie the explanation offered by the respondents seems reasonable. However, if the applicant wishes to satisfy himself personally on this account, ^{he is} ~~is~~ permitted to examine the leave account by proceeding to the office of the 5th respondent at any time ^{during} ~~till~~ the next two months i.e., ~~with prior written intimation,~~ ⁱⁿ January and February 1995. The respondent No.5 is hereby directed to obtain the service book (in III parts) together

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with the leave account of the applicant from the record office and keep the same with him till the end of February 1995, so that the applicant, in case ^{he} ~~wishes~~, can come to the office of the 5th respondent and inspect the same.

5. OA is ordered accordingly. ~~No~~ order as to costs.

A. B. Gorai
(A. B. GORAI)
MEMBER(ADMN.)

A. B. Gorai
Dated : The 26th December 1994. Dy. Registrar(Judl.)
(Dictated in Open Court) 2-195

Copy to:-

1. Secretary, Ministry of Defence, Union of India, New Delhi.
2. The Engineer in Chief, Army Headquarters, Kashmir House, New Delhi.
3. CRO(Officers), CE, Delhi Zone, Delhi Cantt-010.
4. Chief Engineer(Navy), SP, Station road, Visakhapatnam-004.
5. Commander Works Engineers, Station road, Visakhapatnam-004.
6. JCDA(Funds), Meerut Contt., Meerut, U.P.
7. AAC, CDA, Secunderabad-003.
8. One copy to Sri. K.K.Chakravarthy, advocate, CAT, Hyd.
9. One copy to Sri. N.R.DeVaraj, Sr. CGSC, CAT, Hyd.
10. One copy to Library, CAT, Hyd.
11. One spare copy.

Rsm/-

In the CAT, Hyd Bench
at Hyd.

Hm Mr. AB. Gorri, Am.

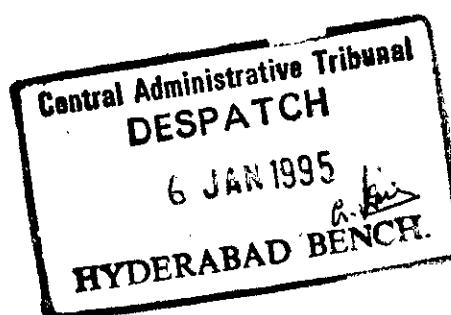
Judgement dt 26/12/94

CA - 34/94

MT. ordered a/c to

No. 00 for a) to costs.

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