

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.326/2014

This the 8th day of October, 2015

**Hon'ble Shri Justice L.N. Mittal, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)**

Smt. Birmo Devi aged about 63 years
W/o Late Shri Shiv Charan Ex CLTS who was
Superannuated w.e.f. 30.04.2007 on attaining
Age of 60 years while working as CLTS Group 'D' post
In Equine Breeding Stud (EBS) Babugarh Cantt.
Under Dte General of RVS (RV-1) QMG's Branch
Of AGQ, Ministry of Defence,
R/o Ward No.6,
Post Babugarh Cantt. District Haur (UP) ...Applicant

(Through Shri V.P.S. Tyagi Advocate)

By Advocate: Shri V.P. S. Tyagi.

Versus

1. The Union of India (Through Secretary)
Ministry of Defence,
South Block,
New Delhi-110001.
2. The Director General of RVS (RV-1)
QMG's Branch AHQ,
IHQ of MOD (Army),
West Block-III, R.K. Puram,
New Delhi-110 066.
3. The Controller General of Defence Accounts
Ulan Batar Marg,
Palam,
Delhi Cantt-110010.
4. The CDA (Army),
Belvadier Complex,
Meerut CAntt-250001.
5. The Commandant,
Equine Breeding Stud,
Babugarh Cantt.
District Hapur (UP) 255201.Respondents

By Advocate: Shri Hailal Haider.

ORDER (ORAL)**By Justice L.N. Mittal, Member (J)**

The applicant, Smt. Birmo Devi, has filed the present OA seeking the following reliefs:

"(a) Direct the Respondents to release the payment of the arrears of envisaged monetary benefit of Paid Weekly Off remaining unpaid prior to 01.07.1996 in terms of DOP&T OM dated 10.09.1993 as well as DOP&T OM dated 07.06.1988 regarding payment of Arrears of paid weekly off remaining unpaid and also pay the arrear of ad hoc bonus etc. to which the deceased employee Shri Shiv Charan had became entitled and the applicant being his widowed wife is the claimant here to whom the arrears to be released now.

(b) Direction may also be given to the respondents to obtain sanction of the Government of India for releasing payment of Leave encashment standing 209.9 days leave at the credit of the Applicant's husband at the time of superannuation with interest @12% p.a.

(c) Direct the Respondents to make payment of interest @12% on the delayed payment of Arrears of wages amounting to Rs.34,608/- Plus Paid Weekly Off Rs.10,473/- @ 12% p.a. which is belatedly paid.

(d) Pass any order or directions as deemed just and proper in the facts and circumstances of this case with award of the cost in favour of the applicant against the Respondents".

2. The applicant's husband Shiv Charan since deceased was initially engaged as daily wager and was later on conferred the status of Casual Labourer Temporary Status (CLTS). He superannuated on 30.04.2007 on

attaining the age of 60 years. Benefits claimed in the OA had not allegedly been paid, necessitating filing of the OA.

3. Respondents in their counter, *inter alia*, pleaded that the applicant's husband being CLTS was not entitled to leave encashment as claimed by the applicant whereas other dues claimed in the OA have been paid.

4. We have heard learned counsel for the parties and perused the case file with their assistance.

5. Counsel for the applicant submitted that the applicant is entitled to monetary benefit of Paid Weekly Off since 07.06.1988 till 30.06.1996 in view of OM dated 07.06.1988 of the Department of Personnel and Training (DOP&T). Reliance in support of this contention has been placed on judgment dated 13.03.2015 of this Tribunal in OA No.1255/2013 – Jaipal Singh Vs. U.O.I. and Others. No judgment to the contrary has been cited by the counsel for the respondents. Accordingly, the applicant is held entitled to the aforesaid benefit.

6. Counsel for the applicant further submitted that the applicant is also entitled to the benefit of leave encashment in view of the judgment of Jaipal Singh (*supra*). There is no rebuttal to this submission also. Applicant is, therefore, entitled to benefit of leave encashment, because service of her husband was neither terminated nor he quit his service so as to deny him this benefit by virtue of paragraph 5(III) of the DoP&T's OM dated 10.09.1993. Rather he superannuated on attaining the age of 60 years and, therefore, the applicant is entitled to this benefit.

7. In view of the aforesaid discussion, we allow this OA with direction to the respondents to pay the aforesaid two benefits to the applicant. Needful

shall be done within a period of 3 months from the date of receipt of a certified copy of this order, failing which the applicant shall also be entitled to interest thereon at the rate of 9% per annum since after the expiry of said 3 months' period. No order as to costs.

(Shekhar Agarwal)
Member(A)

(Justice L.N.Mittal)
Member(J)

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