

"5. Therefore, since as per 5th Central Pay Commission report the Railways had fixed 240 days as leave and it is very likely that the amount

of leave the applicant is claiming to have been given in the available records by the respondents indicates that there is no other reasonable methodology of resolving the matter, I hereby direct the respondents to fix to pay to the applicant's leave encashment of 240 days within 45 days next from the date of receipt of a copy of this order. If the amount is not paid to the applicant within the stipulated days, then the amount shall carry interest at 15% and shall be made available to the applicant as immediately as possible.

6. OA is allowed to the extent above. There shall be no order as to costs."

3. Thereafter, he had filed CP No. 783/2012, which was closed on 23.10.2013 with the following observation:-

"3. In the circumstances, CP is disposed of with a direction to the respondents to act strictly in terms of the directions issued by this Tribunal inasmuch as they would pay interest @ 15% on the amount of leave encashment within 8 weeks. If interest is not paid within 8 weeks, the applicant would be at liberty to take steps to revive the present CP."

4. He has further submitted that after disposal of the Contempt Petition, the respondents instead of granting him interest on the leave encashment from due date i.e. w.e.f. 31.01.2007 have paid him interest amounting to Rs. 39,367/- calculated from the date of the judgment i.e. 06.01.2012. He has, therefore, claimed that full interest due to him has not been paid and has sought implementation of this Tribunal's order dated 06.01.2012 in true letter and spirit.

5. Learned counsel for respondents Sh. Shailendra Tiwari had appeared in this MA before us and had submitted that the order of the Tribunal dated 06.01.2012 has already been fully complied with by the respondents and this MA was not maintainable.

6. We have heard both sides and perused the material on record. We have also perused Tribunal's order dated 06.01.2012, the relevant part of which has been extracted above. In our opinion, there was no direction of this Tribunal to pay interest on leave encashment amount from the date of retirement of the

applicant. In fact, interest was to be paid only if the leave encashment amount was not paid within 45 days next from the date of receipt of a copy of the order. Since the respondents have already paid interest to the applicant from the date of the judgment, nothing more remains to be paid in this case. Hence, the MA is dismissed.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

/Vinita/