

Central Administrative Tribunal Principal Bench, New Delhi.

**MA-291/2015 in
OA-481/2010**

Reserved on : 03.02.2016.

Pronounced on : 08.02.2016.

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)**

Sh. J.R. Dhiman Vs. M/o Railways

Present : Sh. Yogesh Sharma, counsel for applicant.
Sh. Shailendra Tiwari, counsel for respondents.

ORDER

Mr. Shekhar Agarwal, Member (A)

MA-291/2015 has been filed seeking the following relief:-

“(i) That the Hon’ble Tribunal may graciously be pleased to pass an order of revival of the contempt petition No. 783/2012 and passed an order of initiating the contempt of court proceedings against the respondents.

(ii) That the Hon'ble Tribunal may further graciously be pleased to pass an order directing the respondents to grant the interest to the applicant on his leave encashment from due date i.e. from the date of his retirement in compliance of Hon'ble Tribunal judgment dated 06.01.2012 upheld by the Hon'ble Delhi High Court vide judgment dated 14.05.2013 in W.P.(C) No. 7992/2012.

(iii) That the Hon'ble Tribunal may graciously be pleased to pass an order allowing the applicant to amend the memo of parties in the contempt petition, as now the respondent No.1 has been changed.

(iv) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant."

2. MA applicant has stated that OA-481/2010 was decided in his favour on 06.01.2012. The operative part of the order reads as follows:-

“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/