

**Central Administrative Tribunal
Principal Bench**

OA No.4276/2016

New Delhi, this the 22nd day of August, 2017

Hon'ble Ms. Nita Chowdhury, Member (A)

Mukesh Chand Yadav,
Ex Constable No.585/ND,
Group 'C', Aged about 50 years,
S/o Shri Ramchandra,
R/o Majari Kalan,
Alwar, Rajasthan-301703.

...Applicant

(By Advocate : Shri Arun Nischal)

Versus

Delhi Police,
Through its Commissioner,
Police Headquarters,
ITO, New Delhi.

...Respondent

(By Advocate : Ms. Sumedha Sharma)

ORDER (ORAL)

Heard both parties.

2. The applicant has filed this OA seeking the following reliefs :-

- "i. That the respondents may kindly be directed to pay leave encashment, interest, at the rate of 12%, on the delayed payment of GPF from 04.10.2007 i.e. the date of dismissal to 08.11.2016 i.e. the date of actual receipt of GPF.
- ii. The compensation for delay payment and cost of litigation may kindly be awarded.

- iii. pass any other relief as may be deemed fit and proper under circumstances of the case.

3. Basically, the issue in dispute in this OA is that the applicant after his dismissal from service was entitled to certain payments which had accumulated over the years, hence, he claims, his leave encashment, GPF etc. which had accumulated up to the time of his dismissal which was on 04.10.2007. The applicant prays that the period of delay before payment of his dues on 08.11.2016, would result in his getting interest on the delayed payment of leave encashment and GPF.

4. Learned counsel for respondents has referred to the conduct of the applicant which resulted in his dismissal but this is not relevant to the facts of the reliefs claimed in this matter. Clearly, the Employer has a duty to pay within a reasonable time, the amounts due to an employee. Just because this is a case of dismissal, it cannot be held that the payments will not be made from the date of dismissal itself.

5. Nevertheless, this is also a fact that payment after dismissal should have been done as expeditiously as possible, especially, with regard to the GPF, which could have easily been calculated and paid within a period of six months. Similarly, the leave encashment entails a verification of the leave record maintained during the

career of the employee. The learned counsel for applicant is not able to assist and inform in how many different locations/places the applicant was posted. He has also informed that one of the causes for initiation of the disciplinary proceedings against him was his suffering from schizophrenia and dementia, which resulted in his absence from duty. In view of the same, a six months period of calculation of his leave encashment amount would have been sufficient for the authorities to settle the same, hence, excluding the period of six months from the date of his dismissal, the remaining period before the payment of his leave encashment and GPF will be paid with an interest @ 9% on the amounts due.

6. Accordingly, the OA stands disposed of. The interest amount due shall be paid within a period of 90 days from the date of receipt of a certified copy of this order. No costs.

(Nita Chowdhury)
Member (A)

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