

**Central Administrative Tribunal
Principal Bench**

OA No. 3691/2018

New Delhi this the 8th day of October, 2018

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

B.V. Selvaraj, Retd. IAS (AGMU/1981)
Aged about 65 years,
S/o late Sh. D. Balraj,
R/o B-107, 3rd Floor,
Malviya Nagar, New Delhi-110017 - Applicant

(By Advocate: Mr. M.K. Bhardwaj)

Versus

1. Union of India
Through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi
2. Govt. of NCT of Delhi,
Through Chief Secretary,
New Secretariat, IP Estate,
New Delhi - Respondents

(By Advocate: Mr. Rajnish Prasad for respondent no.1)

O R D E R (ORAL)

This Original Application (OA) has been filed by the applicant seeking the following reliefs:-

- “i) to direct the respondents to release the interest @18% per annum on belated payment of leave encashment.
- ii) to direct the respondents to pay interest on the arrears of interest required to be paid as per letter dated 14.10.2015 @ 18% per annum.

- iii) to direct Respondent No.2 to pay the interest on Leave Encashment @18% per annum strictly as per order of R-1 contained in letter dated 14.10.2015.
- iv) to allow the OA with exemplary cost.
- v) to pass such other and further orders which their lordships of this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case."

2. When the matter was taken up for admission of the OA, it is noticed that respondent no.1, vide letter F.No.14033/4/2010-UTS-I dated 14.10.2015, directed the respondent no.2, i.e., Chief Secretary, Govt. of NCT of Delhi, to calculate interest etc. for delayed payment of retiral dues, as requested by the applicant, as per Rule 19A of the DCRB Rules, 1958 and make the payment accordingly. The relevant paras 3 and 4 of the said letter read as under:-

- "3. In the case of Sh. B.V. Selvaraj, IAS (Retd.) he was chargesheeted and Departmental Enquiry is underway and as such, withholding pension or gratuity is justifiable. Since, the DCRB Rules, especially Rule 6 & 6(i) there is no mention regarding withholding of Leave Encashment of a Member, GNCTD is requested to take a decision accordingly.
- 4. However, regarding calculating interest etc. as requested by the applicant, you are requested to go through the Rule 19A of DRCB Rules, 1958."

(Emphasis supplied)

A legal notice has also been issued to the Chief Secretary, Govt. of NCT of Delhi, on 29.07.2017 and the same is said not to have been answered and no action has been taken on the same.

3. In view of the above, at the admission stage itself, without commenting on the merits of the matter, it is directed that the respondent no.1 will ensure compliance of their directions by the respondent no.2, the Govt. of NCT of Delhi in respect of the applicant who is a retiree officer. Quite clearly, the retiree officer is only to be paid as per the directions of the respondent no.1, i.e., as per Rule 19A of the DCRB Rules, within a period of 30 days from the date of receipt of a copy of this order.

4. With the above directions, the OA stands disposed of.

(Nita Chowdhury)
Member (A)

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