

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA NO.4266/2016

NEW DELHI THIS THE 1ST DAY OF MAY, 2018

HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)

V.P. Garg,
[Leave Encashment, Group B,
GNCT, age 60 years],
S/o Late Shri Rishal Singh,
R/o B-15, Officers Colony,
Tihar Jail, New Delhi.

...Applicant

(By Advocate: Mr. R.K. Jain)

VERSUS

1. The Govt. of NCT of Delhi,
Through its Secretary (Home),
Delhi Sachivalaya, I.P. Estate,
New Delhi-110002.
2. The D.G. (Prisons),
Prison Head Quarters,
Near Lajwanti Chowk,
New Delhi-110064.
3. The Superintendent,
Central Jail No.7, Tihar Jail,
Prison Head Quarters,
Near Lajwanti Chowk,
New Delhi-110064.
4. Sh. Arvind Jain,
Ex-Superintendent, Jail No.7,
To be served through
The Secretary (Services),
Govt. of NCT of Delhi,
Players Building, I.P. Estate,
New Delhi.
5. Sh. Yashpal Bajaj, UDC,
Central Jail No.7, Tihar Jail,
Prison Head Quarters,
Near Lajwanti Chowk, New Delhi-110064.

...Respondents

(By Adovcate: Ms. Alka Sharma)

:ORDER (ORAL):

The applicant retired from the post of Deputy Superintendent, Central Jail No.7, Tihar Jail, New Delhi on 31.05.2016 on attaining the age of superannuation. Since, his leave encashment was withheld by the respondents, he has approached this Tribunal through the present OA. His main prayer is for direction to the respondents to pay the leave encashment with interest @12% per annum w.e.f. 01.06.2016.

2. During the pendency of the OA, respondents have released the leave encashment benefits to the applicant amounting to Rs.6,53,934/- (Six Lakh Fifty Three Thousand Nine Hundred and Thirty Four rupees) on 13.02.2017. Shri R.K. Jain acknowledged the receipt of the said relief. He, however, argued that the applicant is entitled for interest on delayed payment of the leave encashment.

3. Ms. Alka Sharma, learned counsel for the respondents, submitted that the applicant has been facing some departmental proceedings and he must come out clean in such proceedings before seeking the leave encashment.

4. The main relief of leave encashment has been granted by the respondents to the applicant albeit after a delay of about 8½ months. Considering the fact that some time was required by the respondents to decide the case of the applicant for release his

retiral benefits including leave encashment, I am of the view that respondents should have released the said benefits within a maximum period of three months from the date of retirement. Consequent thereto, the applicant is entitled for getting interest for the period beyond three months. Ms. Alka Sharma, however, opposed to grant of any interest.

5. In view of the above, this OA is allowed with a direction to the respondents to pay interest at the rate of 8% for a period of five months on the leave encashment amount of Rs.6,53,934/- to the applicant. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs.

(K.N. SHRIVASTAVA)
MEMBER (A)

/JK/