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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

LIBRARY
order date 21/7/16

No. O.A. 675 of 2016

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Smt. Bijoya Das,
Wife of Late Pankaj Das,
Aged about 61 years,
Residing at 16/D, Meher Ali Mondal Street,
Momimpore, Kolkata – 700 027, West Bengal,
Retired as Office Superintendent from the
O/o the Commander Works Engineer (P),
Kolkata, Ballygunge, Maidan Camp,
Kolkata – 700 019

.. Applicant

- V E R S U S -

1. Union of India,
Service through the Secretary,
Ministry of Defence,
South Block,
New Delhi – 110 011.
2. The Engineer-in-Chief,
Army Head Quarter,
Kashmir House,
New Delhi – 110 011.
3. The Chief Engineer,
Eastern Command,
Fort William,
Kolkata – 700 021.
4. The Chief Engineer,
Kolkata Zone (MES),
Ballygunge Maidan Camp,
Kolkata – 700 019.
5. The Commander Works Engineer (P),
Kolkata, Ballygunge Maidan Camp,
Kolkata – 700 019.
6. The DCDA Pay (Cell), EM Block, Sector-V,
Salt Lake, Kolkata – 700 091.
7. The Controller of Defence Accounts,
Ministry of Defence, P.O. Patna.

Bihar - 803101.

.. Respondents

For the Applicant : Mr. B.C. Deb, Counsel

For the Respondents : Mr. R.R. Roychowdhury, Counsel

Order dated:

ORDER

Per Ms. Bidisha Banerjee, Judicial Member:

Ld. Counsel were heard. Materials on record were perused.

2. Ld. Counsel for the respondents submits that the O.A. has become infructuous since the grievance of the applicant as put forth in the O.A. was redressed by releasing the salary for the period as claimed for. However, interest being not payable on delayed payment of leave encashment, the same has not been released.

3. On this score it would be useful to quote Ministry of Personnel, PG & Pensions Department of Pension & Pensioner's Welfare, Office Memorandum dated 1.5.2012 the relevant portion in page 2 reads as under:-

"(vi) In the matter of delayed payment of leave encashment, the Department of Personnel & Training in their note dated 2.8.1999 had clarified that there was no provision under CCS (Leave) Rules for payment of interest or for fixing responsibility. Moreover, encashment of leave is a benefit granted under Leave Rules and not a pensionary benefit."

4. Accordingly, the O.A. is disposed of without any further order. No costs.

(Jaya Das Gupta)
MEMBER(A)

(Bidisha Banerjee)
MEMBER(J)

SP