

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA.



OA.350/00936/2016

Date of Order: 04.10.2016.

Present : Hon'ble Justice Shri. Vishnu Chandra Gupta, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Syamal Joardar  
Vs.  
Defence

For the Applicant : None  
For the Respondents : Mr. BP Manna, Counsel

ORDER (Oral)

Per Justice Shri Vishnu Chandra Gupta, JM:

Instructions sought by the Id. counsel for respondents has been brought on record. The Authority has passed an order in regard to the leave and the amount accrued thereto. The order dated 03.10.2016 is extracted hereinbelow for clarity:

1. Ref your letter No Nill dt 28 Sep 2016.

2. The following comments are offered by this office:-

(a) The petitioner retired on 28 Feb 2015. While processing his Balance leave certificate (BLC) to audit authorities, a case of false claim in LTC made by the petitioner 35 year back in 1978-81 came to lime light. The delay occurred on account of viz observation and clarification that were raised and settled in the chain of offices like audit authorities, HQ CEEC and HQ CE (AF) Shillong Zone.

(b) Since the petitioner accepted his false claim and returned the amount of Rs. 11, 490/- on 11 Feb 2016 the matter was immediately taken up and his leave encashment was paid on 04 Aug 2016.

(c) It is submitted that there is no provision in the Govt rules/policies for paying any interest on leave encashment amount and in this case the delay was mainly due to this false declaration and claim made by the petitioner in the early days of his service.

(d) It is also submitted that the copies of the exhibits submitted by the petitioner are obtained by him through illegal means as neither he has asked for the same officially nor was forwarded to him by this office officially. The case needs to be investigated.

3. You are requested to plead the case on the above ground on hearing to be held on 04 Oct 2016.
4. The UOI intends to file counter affidavit based on the above points and a period of 8 weeks may be requested for filing the same."

2. No body is present on behalf of the applicant. On earlier occasion Id. counsel for applicant stated that in view of the aforesaid fact she wants to press this application only for cost of the original application and the interest thereon. As none is present today and the main relief asked for by the applicant has been granted. We do not find any reason to pay any cost and interest as the same is not accrued for leave pay.

3. Accordingly, the OA is disposed of.

(Jaya Das Gupta)  
Member (A)

(Justice V.C. Gupta)  
Member (J)

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