

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No.O.A.350/01313/2014

Date of order : 24.08.2016

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

BIJON KANTI GHOSH
VS.
UNION OF INDIA & ORS.
(M/O DEFENCE)

For the applicant : Mr. B.C. Deb, counsel
For the opposite party : Mr. L.K. Chatterjee, counsel
Mr. S.K. Ghosh, counsel

ORDER

Per Justice V.C. Gupta, J.M.

Heard Id. counsel for the applicant and Id. counsel for the respondents.

2 The applicant has filed this Original Application seeking the following reliefs:-

- "a) Direction upon the respondents to grant/pay the applicant enhance rate RPR 2008 in scale of Rs.15600-39100 with effect from 01.01.2006 DN1 01.07.2006;
- b) Direction upon the respondents to grant/pay arrears of pay on enhance rate with effect from 01.06.2006 to 31.01.2007;
- c) Direction upon the respondents to grant/pay pension on enhance rate with effect from 01.02.2007 till date and pensionary benefit such as commutation of pension, gratuity and leave salary on enhance rate;
- d) Direct the respondents to pay the applicant interest @ 8% per annum from 01.02.2007 to till date of payment.
- e) Any order and/or further order or orders as the Hon'ble Tribunal may deem fit and proper."

3. It is submitted by the Id. counsel for the respondents that during the pendency of these application, all these reliefs were granted except the amount of interest for delayed payment.

4. On the contrary, Id. counsel for the applicant has pointed out that the amount of Leave Salary amounting to Rs.40,000/- has not been paid.

5. Our attention has been drawn to the fact that while making a lump sum payment towards arrears of pay and allowances a sum of Rs.43,413/- was paid in excess to the applicant as would be evident from Annexure R-5. The Respondents' contention is that the Leave Salary amount of Rs.40,000/- is to be adjusted against the amount which ought to have been refunded by the applicant.

6. Id. counsel for the applicant submits that the amount which has been paid in excess cannot be recovered.

7. As per the extant rules, calculation mistake can be rectified at any stage, therefore, contention of the applicant cannot be allowed to sustain and the excess amount of Rs.43,413/- paid to the applicant would be adjusted from his dues. So far as the question of interest is concerned, the applicant will be paid interest @ 8% per annum for the delayed payment of all the dues to which he was entitled, except the amount payable towards leave salary.

8. In view of the above, the application is finally disposed of. No order as to cost.

(J. Das Gupta)
Administrative Member
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(Justice V.C. Gupta)
Judicial Member