

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

OA No. 3182 of 2018

New Delhi this the 10th April, 2019

Hon'ble Sh. Pradeep Kumar, Member (A)

RAJENDER SINGH TUSHIR
S/O SH. HARDEVA SINGH TUSHIR
AGE 62 YEARS (Retired as group B employee)
HOUSE NO. 1125, VILL & P.O. ALIPUR
NEAR SABJI MANDI, DELHI-36

.....Applicant

(By Advocate : Sh. Puneet Verma)

Versus

1. SECRETARY
DEPARTMENT OF POSTS
MINISTRY OF COMMUNICATIONS & IT
GOVT. OF INDIA
DAK BHAWA, ASHOKA ROAD, NEW DELHI-1
2. ASSISTANT DIRECTOR GENERAL (PENSION),
DEPARTMENT OF POSTS,
DAK BHAWAN, SANSAD MARG, NEW DELHI
3. ASSISTANT DIRECTOR (PC)
OFFICE OF CHIEF POSTMASTER GENERAL,
DELHI CIRCLE, DEPARTMENT OF POSTS,
DAK BHAWAN, SANSAD MARG,
NEW DLEHI-110011

.....Respondents

(By Advocate : Sh. G. D Chawla for Mrs. Harvinder Oberoi)

ORDER (ORAL)

- 1.0 The instant case is one where certain retiral dues including leave encashment amount were to be paid to the applicant but were awaited. The applicant had to approach the Tribunal in O.A. No. 1044 of 2011. A common order was passed by the Tribunal in O.A. No. 1044 of 2011 and on certain similar petitions on 06.07.2012. Even though, the applicant had sought relief for the payment of leave encashment, this

part was somehow missed from the order dated 06.07.2012 passed by the Tribunal.

2.0 Thereafter, the applicant approached the Tribunal in R. A. No. 138/ 2013. The RA was allowed and another order was passed in O.A. 1044 of 2011 dated 10.09.2015 which reads as under:-

“In the circumstances and for the aforesaid reasons, the OA is allowed and the respondents No.1 and 3 are directed to pay interest at GPF rates, to the applicant on the leave encashment amount for the delayed period, within 90 days from the date of receipt of a copy of this order. No costs”

3.0 This interest was however, not paid by the respondents despite these orders passed by the Tribunal and despite several representations which were made by the applicant. The applicant filed the instant O.A. seeking payment of this part of interest. During pendency of the instant O.A., the respondents have passed an order dated 14.06.2018, which indicates that this interest has now been released for the period upto 10.09.2015. This order reads as under:-

“Kindly refer to your office letter No. A&P/Misc-Corres./2015, dated 07-11-2017 on the aforesaid subject. The case has been examined in consultation with Department of Personnel & Training, Department of Legal Affairs and Integrated Finance Wing of the Department. I am directed to convey the approval of Secretary (Posts) for payment of Rs. 7752/- to Shri Rajender Singh Tushir on account of delayed payment of leave encashment in compliance of order dated 10.09.2015 passed by Hon’ble CAT, Principal Bench in R. A No. 138/2013 in O.A. No. 1044/2011.”

4.0 Thus, the interest amounting to Rs. 7752/- on the delayed payment of leave encashment, as was ordered on 10.09.2015, has now been paid on 14.06.2018. The applicant pleads that he is being denied use of this money for the time 10.09.2015 to 14.06.2018 despite the

Tribunal having passed order on 10.09.2015 and he seeks compensation for this period also.

5.0 Matter has been heard. Learned counsel Sh. Puneet Verma appeared on behalf of applicant and learned proxy counsel Sh. G. D. Chawla appeared on behalf of learned counsel, Mrs. Harvinder Oberoi for respondents.

6.0 An amount of Rs. 7752/- towards interest, as was computed and was due to applicant as on 10.09.2015 has now been paid to the applicant on 14.06.2018. Thus, there has been delay of approximately three years in making this payment. The applicant has been denied use of this money for the period 10.09.2015 to 14.06.2018. It is necessary that he is compensated for this delay. The respondents are directed to pay interest at GPF rate for this delayed period 10.09.2015 to 14.06.2018 also. This be released within 3 months and if paid in this period, it will not carry interest. Applicant has liberty to approach Tribunal if some grievance still subsists. No order as to cost.

**(Pradeep Kumar
Member (A))**

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