

8

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 1793/2003

This the 11th day of February, 2004

HON'BLE SH. KULDIP SINGH, MEMBER (J)

1. Sh. T.P.Venugopalan  
Senior Accounts Officer (Retd.) Group 'B'  
53/III, N.W.Moti Bagh,  
New Delhi-110021.

(By Advocate: Sh. E.J.Vergheese)

Versus

1. Union of India through the Secretary,  
Ministry of Defence, (Finance),  
New Delhi-110011.
2. The CGDA,  
West Block-V, R.K.Puram,  
New Delhi-110066.
3. The CDA (R&D),  
'L' Block, Central Secretariat,  
New Delhi Cantt - 110001.

(By Advocate: Mrs. Avinash Kaur)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA claiming interest for delayed payment on leave encashment amount.

2. Applicant is stated to be superannuated on 30.4.1998 and leave encashment has been given to him in three instalments on different dates, i.e. 48 days on 9.11.98, 52 days on 26.6.2002 and 153 days on 24.7.2003. Thus, the learned counsel for applicant submits that there is a lot of delay in release of encashment of leave dues so applicant is entitled to the interest thereupon.

3. Counsel for respondents has referred to Swamy's CCS (Pension) Rules particularly commentary on Rule 68 where it is mentioned that in the matter of delayed payment of DOPF in their note dated 2.8.98 has clarified that there is no

k

a

provision under CCS (Leave) Rules for payment of interest or for fixing responsibility. Moreover encashment of leave is a benefit granted under the leave rules and not a pensionary benefit. So in counter respondents submits that interest on delayed payment of leave encashment is not admissible

4. However, in my view this contention of the counsel for respondents has no merits because first of all it relates to commentary on CCS (Pension) Rules. Besides that it speaks about the fixing of responsibility for delayed payment of leave encashment and there may not be any provision for fixing the responsibility so far leave encashment is concerned but this right of encashment of leave is itself independent of CCS (Pension) Rules and the leave encashment becomes due immediately after the retirement. Since the applicant has retired on 30.4.1998, he got the leave encashment for 48 days on 9.11.98. The other payments have been delayed beyond a period of 4 years itself. So there is a unjustified delay on the part of the respondents. It is also surprising that how this encashment of leave has been made in piecemeal in 3 instalments instead of one lump sum payment of leave encashment. So there is no reason assigned for the delayed payment. Rather there is callous delay in release of payment of encashment of leave. So applicant has to be compensated by grant of interest.

5. Accordingly, I allow the OA and grant 9% interest on delayed payment and interest shall be paid till the date of actual payment is made.

  
( KULDIP SINGH )  
Member (J)

'sd'