

03.08.2022

WPCT 12 of 2022

Court : 04
Item : PB-18
Matter : WPCT
Status : DO
Transcriber: nandy

Biswanath Banerjee
Vs.
The Union of India & Ors.

Mr. Barun Chatterjee, Advocate

.....for the Petitioner

Despite service there is no representation on behalf of the respondents. Let the affidavit of service filed in Court today be kept with the record.

The instant writ-petition has been filed against an order dated August 27, 2021 passed by the Central Administrative Tribunal, Calcutta Branch in OA 350/ 01069 of 2017 whereby and whereunder the direction was passed upon the respondent authority to release full leave salary of 300 days at admissible rate, within two months from the date of receipt of the order. The writ-petition is limited to the extent that despite unreasonable withholding of the release of the leave salary of 300 days, the Tribunal did not award the interest.

It appears from the impugned order that a plea was taken by the respondent that the records are not available and, therefore, the authorities could not release the leave salary. It has been held by the Tribunal that no justification could be seen for non-release of the leave salary.

According to the writ-petitioner, there is no unauthorized absence during his service career nor any disciplinary proceeding ever initiated against him. Even the respondent before the Tribunal could not produce any document in support of the same. The Tribunal has found that there is no justification in withholding the release of the leave salary and, therefore, we feel that that while

passing an order for release of the leave salary, the interest accrued thereupon should have been passed. There has been an unreasonable withholding of the release of the leave salary since the date of the retirement of the petitioner i.e. January 31, 2012 and, therefore, we feel that the petitioner is entitled to the interest over the amount pertaining to the leave salary of 300 days.

We are informed by the learned Advocate for the petitioner that pursuant to the impugned order the respondent have disbursed the leave salary in the month of March 2022.

We, therefore, modify the impugned order to the extent that the respondent authority shall pay an interest at the rate of 6% from February 1, 2012 till the actual disbursement of the leave salary of 300 days to the petitioner within two weeks from the date of communication of this order.

Learned Advocate for the petitioner is directed to communicate this order to the respondent authority within a week from date.

With these observations, the writ-petition being **WPCT 12 of 2022** is **disposed of**. No order as to costs.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)

