

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

20.

RA 32/2025 with MA 4984/2025 in OA 5322/2024

AVM DK Awasthi (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Y Venugopal, Advocate
For Respondents : Mr. Prabodh Kumar, Sr. CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
27.10.2025

MA 4984/2025

MA 4984/2025 has been filed by the applicant seeking condonation of four days of delay in filing the review application seeking review of the order dated 04.09.2025 in OA 5322/2024 submitting to the effect that the applicant's counsel was unwell and thus the review application could not be filed within the limitation period of 30 days and the delay of 4 days in filing the same was unintentional. In the interest of justice, we allow the prayer and the delay in filing the review application is condoned. MA 4984/2025 stands disposed of.

RA 32/2025

2. RA 32/2025 had been filed by the applicant arrayed as respondents in OA 5322/2024 with the following prayers:-

“In view of the aforesaid, it is most respectfully prayed that this Hon’ble Tribunal may be pleased to review its earlier order dated 04.09.2025 and direct the respondents to pay to the applicant interest on the said amount of Rs. 13,79,081/- due to the applicant as his leave encashment @8% per annum with effect from the date of his retirement, that is 30.09.2022.”

3. Notice thereof is issued to the respondents and accepted on their behalf. Vide order dated 04.09.2025 in OA 5322/2024, RA 32/2025 has been filed by the applicant seeking interest on the amount of Rs. 13,79,081/- due to the applicant as his leave encashment at the rate of 8% per annum w.e.f. the date of his retirement i.e. 30.09.2022. The applicant has thus sought the review of the order dated 04.09.2025 in OA 5322/2024. Vide Paras 19 and 20 of the said order it was directed to the effect:-

“19. The respondents are thus directed to release the leave encashment amount of Rs 13,79,081/- due to the applicant which ought to have been paid to him on his superannuation from the Indian Air Force i.e 30-09-2022 in view of the wrongful retention of the said amount of Rs 13,79,081/- to which the applicant is entitled to for his leave encashment, admittedly. The said amount of Rs 13,79,081/- due to the applicant as his leave encashment be released to the applicant by the respondents within a period of eight weeks from today along with interest @ 8% per annum in view of RBI Circular no. DGBA. GAD No. H-6760/45.01.001/2011-12 dated 13.04.2012.

20. Any further delay in the making of the payment would render the respondents liable to pay further interest @ 8% per annum on the unpaid amount. The OA 5322/2024 and the accompanying applications are thus disposed of accordingly.”

4. Thus, the respondents were directed to release leave encashment amount of Rs. 13,79,081/- due to the applicant which ought to have been paid on his superannuation from the Indian Air Force i.e. from 30.09.2022 in view of the wrongful retention of the said amount which amount was directed to be released to the applicant by the respondents within a period of 8 weeks from the date of the order dated 04.09.2025 along with interest at the rate of 8% per annum in view of the RBI Circular No. DGBA. GAD No. H-6760/45.01.001/2011-12 dated 13.04.2012. It was further directed vide Para 20 of the said order that in the event of there being further delay in making of the payment of the said amount, further interest at the rate of 8% on the unpaid amount will accrue.

5. The applicant now submits vide the present application whilst placing reliance on the order of this Tribunal in OA 2148/2023 titled *Gp Capt Priyadarshan Tiwari (Retd.) vs. UoI and Ors.* dated 28.05.2025 and the order of this Tribunal in *Gp Capt DS Deshpande (Retd) v/s UOI & Ors.* in OA 84/2025 disposed of vide order dated 26.08.2025 whereby in both the cases in relation to the withheld amount qua leave encashment interest at the rate of 8% per annum from the date of deduction

till the date of actual payment has been granted. In as much as the grant of leave encashment dues is a right of the applicant in terms of the Article 300A of the Constitution of India, the applicant thus now seeks that interest at the rate of 8% per annum on the unpaid leave encashment from the date 30.09.2022 i.e. the date of his discharge be paid to him.

6. Apparently, in view of the our order in OA 2148/2023 dated 28.05.2025 and order dated 26.08.2025 in OA 84/2025 from which we find no reason to differ, it is apparent that the prayer made by the applicant has to be allowed.

7. In view thereof RA 32/2025 is disposed of with directions to the effect that Paras 19 and 20 of the order dated 04.09.2025 in OA 4322/2024 shall read to the effect:-

“19. The respondents are thus directed to release the leave encashment amount of Rs. 13,79,081/- due to the applicant which ought to have been paid to him on his superannuation from the Indian Air Force i.e 30-09-2022 in view of the wrongful retention of the said amount of Rs. 13,79,081/- to which the applicant is entitled to for his leave encashment, admittedly. The said amount of Rs. 13,79,081/- due to the applicant as his leave encashment be released to the applicant by the respondents within a period of eight weeks from today i.e. 27.10.2025 along with simple interest @ 8% per annum on the said amount Rs. 13,79,081/- from the date of discharge of the applicant i.e. 30.09.2022 in view of RBI Circular no. DGBA. GAD No. H-6760/45.01.001/2011-12 dated 13.04.2012.

20. Any further delay in the making of the payment would render the respondents liable to pay further interest @ 8% per annum on the unpaid amount. The OA 5322/2024 and the accompanying applications are thus disposed of accordingly.”

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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