

Central Adminisrative Tribunal
Principal Bench

O.A.No.1569/2002

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 16th day of December, 2002

Phool Singh & 48 Others .. Applicants
(As per details given in the OA)

(By Advocate: Sh. Inderjit Singh)

Vs.

1. Director General
CPWD, Nirman Bhawan
New Delhi.
2. Director (Hort),
CPWD, Inderprastha Bhawan
New Delhi.
3. Deputy Director (Hort.)
Hort. Division No.II, CPWD
IP Bhawan
New Delhi.

.. Respondents

(By Advocate: Sh. B.S.Jain)

O R D E R

By Shri Shanker Raju, M(J):

Applicants, 49 in number, through General Secretary of Choudhary/Head Gardeners Welfare Association of CPWD, have assailed payment of an amount of CDS with the interest calculated through speaking orders issued cumulatively on 4.3.2002. Applicants have sought in the alternative refunds of CDS amount illegally retained by the respondents and to be paid with compounded interest.

2. Applicants states that respondents have deducted amounts under Additional Emoluments Compulsory Deposit (Local Authority Employees) Scheme, 1974. As per the Scheme, the statement of Accounts is to be shown. In the year 1990, directions have been issued by the Government for repayment of CDS with interest, the respondents did not repay the

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accumulated amount of CDS with interest as such OA 1074/99 was filed by the applicants which was disposed of by an order dated 5.7.2001 whereby directed the respondents to raise the individual grievance regarding CDS, the same would be considered by the respondents. Accordingly, applicants preferred representations which were disposed of and in pursuance a simple interest has been accorded to the applicants.

3. Learned counsel for applicants, in Para 4.10 of the OA, states that the statement prepared and attached to the impugned order of 4.3.2002 shows callous attitude. As per the accepted norms, the interest accrued in previous years is required to be added in the succeeding opening balance year after year for calculating the amount due to an individual in for particular year. Whereas instead of according compounded interest, the respondents have credited a simple interest on the same ~~principal~~ amount year after year without actually credited the individual interest earned in previous years. Discrimination is also alleged under Articles 14 and 16 of the Constitution of India by contending that several persons similarly circumstance have been paid an amount of Rs.1100/- and thereafter Rs.2200/- during the year 1996-97.

4. On the other hand, respondents' counsel, Sh. B.S.Jain stated that as per the Ministry of Finance OM dated 7.1.1987 it has been decided to accord to the applicants a simple interest of two and half per cent over and above the maximum bank deposit

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rate. Accordingly the same has been disbursed correctly at an interest rate of twelve and half per cent. Moreover, it is stated that compounded interest is not admissible in CDS amount. They have taken the preliminary objections as to the unrecognised association and limitation. According to them, interest has been calculated as per the Rules and vide their letter dated 28.6.1996 even on recalculation as per the OM dated 7.1.1987, the accumulated amount has been calculated but the applicants have not collected the amount in protest.

5. I have carefully considered the rival contentions of the parties and perused the material on record. The directions of the Court earlier was to dispose of the representation of the applicant which the respondents have complied with by passing an order along with Due - Drawn Statement in each case whereby CDS amount, including interest, has been worked out. The same has been done in the light of the Ministry of Finance order dated 7.1.1987 which prescribes simple interest of two and half per cent over and above the maximum bank deposit rate. As the maximum bank deposit rate having been reduced to ten per cent, the rate of interest payable on deposits under the aforesaid Act, 1974 stands reduced to twelve and half per cent. Moreover, the contention that earlier in similarly circumstance have been accorded compounded interest, cannot be countenanced even if they have been accorded interest dehors the rules, would not confer upon the applicants a right to get the same.

6. I am satisfied that there is no legal infirmity in payment of the interest on CDS amounts to the applicants, and are without any justification, and under protest they are not receiving the same.

7. In the light of what has been stated, OA lacks merit and is accordingly dismissed. No costs.

S. Raju
(Shanker Raju)
Member(J)

/rao/