

①

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

C.P. NO.255/2004

in

O.A. NO.964/2002

This the 30th day of September, 2004.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI JUSTICE M.A.KHAN, VICE-CHAIRMAN (J)

D.J.Singh S/O Palto Singh,
R/O 410, North Civil Lines,
Muzaffarnagar (UP).

... Applicant

(By Shri D. R. Gupta, Advocate)

-versus-

1. Shri Nripendra Misra,
Secretary, Department of Telecommunication,
Sanchar Bhawan, 20 Ashoka Road,
New Delhi.

2. Shri Rajinder Kumar Gupta,
C.G.M.T. (W), U.P. Telecom Circle,
Shastri Nagar Telephone Nigam,
Meerut (UP).

3. Shri Chanderhas,
General Manager,
Telecom Distt., Meerut (UP).

... Respondents

(By Shri V.S.R. Krishna, Advocate)

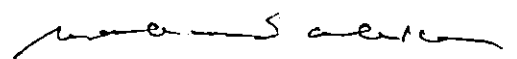
ORDER (ORAL)

Hon'ble Shri V. K. Majotra, Vice-Chairman (A) :

Learned counsel heard.

2. OA No.964/2002 was disposed of vide Tribunal's order
dated 6.2.2003 with the following directions :





(b)

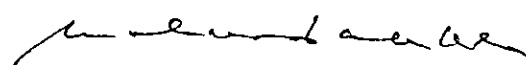
"3. After hearing the parties, I am of the considered opinion that this OA can be disposed of by directing the respondents to pay interest @ 10% from the date the payments became due till the date of payment of retiral benefits. Respondents are directed to pay the amount within a period of 2 months from the date of receipt of a copy of this order."

3. Earlier on applicant had filed CP No.401/2003 in OA No.964/2002 in which the following orders were passed on 24.11.2003 :

"5. Noting the above facts and circumstances of the case, while we dismiss this CP 401/2003 as not maintainable, at the time, we direct the respondents to reconsider the claim of the petitioner in terms of the aforesaid order of the Tribunal dated 6.2.2003 and furnish him the calculation sheet and statement of accounts within four weeks from the date of receipt of a copy of this order."

4. The learned counsel stated that while Tribunal's directions in respect of certain retirement benefits have been complied with, respondents have not paid to the applicant interest at the rate of 10% in respect of GPF and commuted value of pension from the date the payments became due till the date of actual payment. The learned counsel maintained that applicant is entitled to interest on these two counts right from the date of his retirement till the date of actual payment.

5. The learned counsel of respondents referring to Annexure CR-2 pointed out that GPF payment had been made to the applicant within the prescribed time limit on 1.5.2002 after receipt of application on the prescribed form made on 12.4.2002. He relied on DOP&T instructions dated 5.8.1994 below Rule 34 of General Provident Fund (Central Services) Rules, 1960 (hereinafter referred

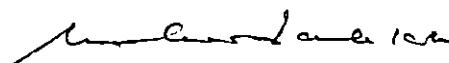




to as the GPF Rules). In regard to the interest on commuted value of pension, the learned counsel contended that the same is not admissible because as per Rule 6 of the CCS (Commutation of Pension) Rules, 1981 (hereinafter referred to as the Commutation Rules), reduction in the amount of pension on account of commutation becomes operative from the date of receipt of commuted value of pension. As full pension had been paid to the applicant, question of interest on late payment of commuted value of pension does not arise.

6. It is observed that respondents have furnished to the applicant Annexures CR-2 and CR-3 calculation sheets and statement of accounts regarding his dues and interest thereon.

7. The learned counsel of applicant stated that applicant was not required to make an application for withdrawal of GPF in terms of Rule 34 of the GPF Rules as the words "on receipt of a written application in this behalf" in this Rule, were deleted vide Government of India, Department of Pension & Pensioners' Welfare notification dated 15.11.1996. As such interest would become payable right from day one of his retirement. Instructions relating to receipt of written application for payment of GPF amount relied upon by the respondents were issued vide DOP&T OM dated 5.8.1994. However, the words "on receipt of a written application in this behalf" stated in Rule 34 were deleted vide notification dated 15.11.1996. As such, the instructions relied upon by the respondents, do not have any force and payment of GPF would become due to the





applicant right from day one of his retirement, and they ought to have paid interest at the rate of 10% on the GPF dues from the date of his retirement till the date of actual payment.

8. So far as interest on commuted value of pension is concerned, as per Rule 6 of the Commutation Rules, the reduction in the amount of pension on account of commutation becomes operative from the date of receipt of the commuted value of pension or at the end of three months after issue of authority by the accounts officer for the payment of commuted value of pension, whichever is earlier. Respondents have stated that as full pension was paid to the retiree, the question of interest on late payment of commuted value does not arise. It has not been denied that applicant had been paid full pension in the beginning and was paid commuted value of pension at a later stage.

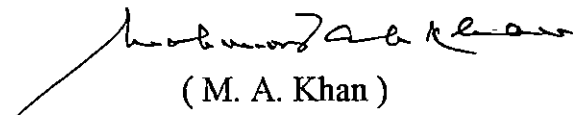
9. On consideration of respective contentions on the issue of admissibility of interest on GPF, in view of deletion of the words "on receipt of a written application in this behalf" from Rule 34 of the GPF Rules, the plea of respondents in this regard is rejected and applicant is held entitled to interest on the GPF dues from the date of his retirement till the date of their actual payment. However, as respects the claim of interest on commuted value of pension, the argument made on behalf of the respondents is weightier in the facts and circumstances of the case as it has not been denied on behalf of the applicant that he had received full pension in the beginning and was paid commuted value of pension at a later stage. Thus, when on



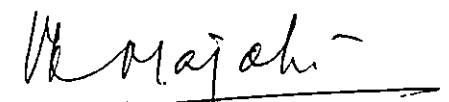
the one hand applicant is entitled to interest on the commuted value of pension from the date of his retirement, respondents are similarly entitled to interest on the excess amount of pension paid to him from the next date of applicant's retirement to the date when commuted value of pension was received by the applicant.

10. In result, this contempt petition is disposed of with a direction to the respondents to calculate interest at the rate of 10% as per directions of this Court contained in order dated 6.2.2003 read with the above observations, on GPF and commuted value of pension dues, and after adjusting the interest to be received from the applicant on the excess pension paid to him for the period specified above, make payment to the applicant, if due, on the basis of calculations made above, within a period of one month from the date of communication of these orders.

11. Notices issued to respondents are discharged.


(M. A. Khan)
Vice-Chairman (J)

/as/


(V. K. Majotra)
Vice-Chairman (A)
30.9.04