

2

Central Administrative Tribunal
Principal Bench

OA 1510/2001

New Delhi, this the day of 21th December, 2001

Hon'ble Shri M.P.Singh Member(A)

Shri K.P.Singh
A-2/68, Paschim Vihar,
New Delhi-110063.
(By Advocate: Shri O.P.Gehlot)

Versus

1. The Chief Secretary
Govt. of N.C.T.of Delhi
Chief Secretary's office
I.P.Estate, New Delh.
2. Director of Family Welfare,
Govt. of N.C.T.of Delhi
Malkaganj, New Delhi.
3. Deputy Controller of Accounts(Funds)
Govt. of N.C.T.of Delhi
G.P.F.Cell, Old Secretariate, Delhi. Respondents
(By Advocate: Shri Georage Paracken)

Order(Oral)

By Hon'ble Shri M.P.Singh, Member(A)

By filing this OA, the applicant has sought direction to quash and set aside the impugned orders dated 4th May, 2001 and 22nd August, 2000 and has also sought direction for payment of interest of Rs.31,189/- (28354+2835) on his G.P.F. subscription of Rs.23,000 for the period from July 1993 to May 2001.

2. The case of the applicant is that in 1993-94, while he was working in the Directorate of Family Welfare, Govt. of NCT of Delhi, he was paid an amount of Rs.23,377/- as arrears of pay on account of refixation of his pay w.e.f. 1.1.1989. Out of aforesaid amount of Rs.23377/-, an amount of Rs.23000/- was credited by the respondents to the GPF account of the applicant. When the

DR

9
2

applicant retired from service on 21.7.2000, he was paid an amount of Rs.9,81,150/- on account of GPF deposits, whereas the amount payable to him was Rs.10,9,504. The applicant submitted a representation to Chief Secretary, Govt. of NCT of Delhi on 14.8.2000 stating that though the said amount of Rs.23000 had been paid, the amount of interest thereon was not paid to him. The respondents vide impugned order dated 4.5.2001 informed him that no interest is payable on Rs.23000/- as it was a voluntary deposit. Aggrieved by this, he has filed this OA claiming the aforesaid relief.

3. Respondents, in their reply, have stated that the applicant who retired on 31.7.2000 was paid GPF accumulations after disallowing compound interest on Rs.23000/- as the amount of arrears did not qualify to earn interest as per Rule 8 (4) of GPF (CS) Rules. As per sub Rule 4 of Rule 8, a subscriber can enhance his subscription only twice during the course of the year. The applicant had already exercised his option by enhancing his subscription twice during the year, i.e., in June, 1993 and October, 1993. He was, therefore, rightly not allowed the interest on voluntary deposit of Rs.23000/-. In view of the aforesaid facts, the applicant is not entitled for any relief sought for.

4. Heard both the rival contesting parties and perused the records.

5. The admitted facts are that an amount of Rs.23000/- on account of arrears of salary was credited to GPF Account of the applicant by the respondents in July, 1993. This amount had been kept and was utilized by the



Government till the retiral benefits were paid to the applicant at the time of his superannuation. The contention of the respondents that the applicant had voluntarily deposited the amount of arrears of salary into his GPF account cannot be accepted as they have failed to submit any documentary proof in support of their claim. Moreover, Rule 8 (4) of GPF (CS) Rules cannot be made applicable to the present case as it is not the case of exercising the normal option of enhancing the subscription during the course of the year. The amount of Rs.23000/- became available on account of arrears of salary where an option to credit the said arrears to the GPF account is also provided at the time of payment of such arrears. Since the respondents have retained the amount of Rs.23000/- all along with them, they ought to have allowed the interest thereon at the time of payment of retiral benefits to the applicant.

6. For the reasons recorded above, the OA is allowed and the respondents are directed to make payment of the interest on the amount of Rs.23000/- from the date it was credited into the GPF account of the applicant to the date of payment of said amount of Rs.23000/- at the rate of interest payable on GPF during this period within a period of two months from the date of receipt of a copy of this order. No costs.

M.P.Singh
(M.P.Singh)
Member(A)

/kd/