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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2490/2001

New Delhi, this the 21st day of September, 2001

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

Shri Tarsem Lal Verma
Photographic Officer
AFFPD/Min. of Defence
New Delhi - 110 011.

(Applicant in person)

...Applicant

V E R S U S

UNION OF INDIA : THROUGH

1. The Secretary

Ministry of Defence,
South Block, New Delhi 110 011.

2. Controller General

Defence Accounts, MOD
West Block-V, R.K.Puram
New Delhi - 110 066

...Respondents

O R D E R (ORAL)

By Shri M.P.Singh.

The applicant by filing this OA has claimed a relief by praying for direction to respondents to credit the interest on GPF contribution from 11-6-1993 to 9-10-1997. The applicant who is working as Photographer in the Ministry of Defence was discharged from service on 5-5-1993. The applicant filed an OA challenging the order of discharge. The Tribunal vide its order dated 3-10-1997 quashed the order of discharge and issued the direction to the respondents to re-instate the applicant. In pursuance of the directions given by the Tribunal, the applicant was re-instated and was paid the consequential benefits. It is stated by the applicant that he has not been fully paid the salary, GPF and other allowances and he has filed a separate OA in this

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regard. In this OA, he is claiming interest on GPF amount, which has been deducted from his salary after he has been re-instated in service.

2. Heard the applicant in person. During the course of the argument, he has stated that as per the judgment dated 17-1-2001 of Calcutta Bench of the Tribunal in the case of Siba Prasad Roy and others Vs. Union of India and others, he is entitled for the interest on GPF subscription^s, which have been paid to him after the orders of the Tribunal reinstating him in service have been passed. He has also stated that his discharge from the service was on malafide grounds and it was for this reason that the Tribunal quashed the order of discharge. Therefore, he is entitled for all the consequential benefits including the interest on the GPF amount which was due to him during the period when he was out of service. His main contention is that had he not been discharged from service, he would have been paid his salary regularly and the subscription towards the GPF would have been deducted at the relevant time and deposited in the GPF account with interest.

3. I have gone through the papers placed before me and the aforesaid judgement on which the applicant has relied. After perusal of the judgement, I find that this is distinguishable and is not applicable to his case. The applicant has also failed to show any document to support his contention that interest on GPF is to be allowed even for the period when he was out of service ^{and} although during that period neither the salary was being paid to him nor GPF

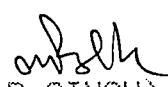
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subscription was being deducted from his salary. The applicant has been paid his salary for the period for which he was out of service only after his re-instatement in service and accordingly the subscriptions towards GPF have been deducted from the salary after his re-instatement. He is, therefore, entitled to the payment of interest on GPF only from the actual date of payment of salary and deduction of GPF subscription. Hence the contention of the applicant for grant of interest on GPF is not tenable and is accordingly rejected.

4. Having regard to the above position, the OA is devoid of merit and is accordingly dismissed in limine.



(M.P.SINGH)
MEMBER (A)

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