

20

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO.430 OF 2003
IN
O.A. NO.2322 OF 2001

New Delhi, this the 11th day of August, 2004

HON'BLE SHRI V.K. MAJOTRA, VICE CHAIRMAN (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Dr. Pradeep Chadha
9, National Park,
Lajpat Nagar-IV,
New Delhi-110024.

...Applicant

(By Advocate: Dr.Kanwar Sapra)

versus

1. Shri J.V.R. Prasad Rao
Secretary, Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.
2. Dr.R.N.Salhan,
Medical Superintendent, Safdarjang Hospital,
New Delhi.

....Respondents

(By Advocate : Shri Mohar Singh)

ORDER (ORAL)

SHRI V.K. MAJOTRA, VICE CHAIRMAN (A) :

Learned counsel heard.

2. OA 2322/2001 was disposed of vide order dated 24.9.2002 (Annexure-CP-1) with the following observations/directions:-

“2. Thereafter the question arises about the release of Provident Fund which was standing in the credit account of the applicant and also the arrears of the salary upto the period 17.1.97. The said amount is stated to have been released to him in September, 1999. Applicant has filed this OA that since both these payments have been delayed so applicant is entitled for interest thereon. As regards the Provident Fund is concerned, the respondents are directed to pay the interest to the applicant as per the rules of the Provident Fund itself. If the same has not been calculated upto the date of payment as per the arrears of salary are concerned since the applicant had made a clearcut request for resignation vide Annexure A-5, it was supposed to have been accepted by one month as per the terms of the appointment letter but the same has not been accepted so still applicant worked for 3

months upto 1.1.97. The arrears of salary which have been released in the month of September, 1999, are quite delayed. The applicant in my view is also entitled to interest thereon @ 12%. Accordingly, I allow the OA with the direction that the interest will be calculated from the date when the amount had fallen due up to the date of release of the payment, as the payment was released in September 1999, within a period of 2 months from the date of receipt of a copy of this order."

3. Learned counsel of respondents stated that in terms of Tribunal's aforesaid order, applicant has been paid arrears of salary alongwith interest thereon. This has not been denied on behalf of applicant. However, learned counsel of applicant maintained that respondents have not paid interest for period of delay in payment of G.P.F. dues.

4. Learned counsel of respondents further pointed out that applicant had made application in the prescribed format for payment of GPF dues on 26.7.1999. He drew our attention to respondents' instructions in respect of interest to be allowed on GPF balances in cases of delayed submission of bills by the DDOs (G.I., Dept. of Pen. & P.W., D.O. dated 16.2.1987), which reads as follows:-

"(4) Interest to be allowed on PF balances in cases of delayed submission of bills by the DDOs.-..... C & AG's UO Note*, dated the 2nd May, 1986, regarding clarification on certain points relating to payment of interest on delayed payment of PF balances. It is clarified that interest will be payable in a situation mentioned by you in Para. 2 of your note, dated the 2nd May, 1986. This is for the reason that interest is to be allowed when there is no delay on the part of the subscriber but payment is delayed due to administrative reasons."

5. He has further shown us in original applicant's application in the prescribed format for payment of General Provident Fund dues, which is dated 26.7.1999. It is claimed on behalf of respondents that GPF dues, after this application have been paid to the applicant in the month of September, 1999. As such according to him, there no delay in payment of GPF dues. Accordingly, no interest is admissible to the applicant on GPF dues.

U2

(3)

6. Having regard to the explanation rendered by the respondents, we are of the view that applicant is not entitled to any interest on GPF dues as he has made application on 26.7.1999. The GPF dues were paid to him in the month of September, 1999. Accordingly, CP 430/2003 is dismissed. Notice issued to respondent is discharged.

S. Raju
(SHANKER RAJU)
MEMBER (J)

V.K. Majotra
(V.K. MAJOTRA)
VICE CHAIRMAN (A)

11.8.04

/ravi/