

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.60/98

6

Hon'ble Shri R.K. Ahooja, Member(A)

New Delhi, this the 6th day of August, 1999

Shri A.P. Gupta
S/o Shri S.C. Gupta
R/o 1414, Sector 6
Bahadurgarh, Distt. Jhajjer
Haryana

....Applicant
(In Person)

Versus

The Joint Secretary(Trg) &
Chief Administrative Officer
Ministry of Defence
C-II Hutmants, Dulhousie Road
New Delhi

....Respondent

(By Advcote: Mrs. P.K. Gupta)

O R D E R

The applicant, while working as Research Officer in General Staff Branch of Army Headquarters, was retired under FR 56(J) by an order dated 30.4.1990. When this order was challenged before the Tribunal by O.A. No.2457/90, the same was quashed. The appeal filed by the Union of India before the Hon'ble Supreme Court was also dismissed. Consequently the applicant was reinstated in service by an order dated 15.6.1996. The arrears of pay etc. for the intervening period were released to the applicant in 1996 and the amount of Rs.1.57 lakhs was recovered and credited to his GPF Account in September, 1996. The grievance of the applicant is that the respondents have not allowed interest on this GPF contribution with effect from October, 1996 the dates when his monthly salary was due as the GPF contributions would be deemed to have been deposited in the same month.

2. I have heard the applicant in person and the learned counsel for the respondents. The applicant relies on the proviso to Rule 11(3) of the GPF Rules, 1960 alongwith Rule 11(4) of the said rules. The applicant submits that GPF deducted from his salary was in relation to his salary which was due to be paid to him as per rules at the proper time. It was a fault of the respondent that the salary was not paid to him in due time. Hence under this provision the GPF deduction is also to be deemed to have been made at the appropriate time when the salary was due. He also cites the action of the respondents in allowing income-tax deduction on the premise that the GPF deductions were made in the relevant monhs and years and the income-tax rebate was also allowed to him. In view of this position, he challenges the action of the respondents in ~~refusing~~ interest ~~with~~ effect from the date the relevant monthly salary was due to him. He also cites a related grievance that he has not been paid full interest on his GPF amount, i.e. for the period of his superannuation till the date of final payment.

3. I have considered the matter carefully. Although prima facie the applicant has ~~no~~ claim under Rule 11(3) of the GPF Rules, 1960, I am of the view that the applicant is not entitled to the relief sought for by him.

4. Firstly, as the facts of the case show, the applicant was retired from service in April 1990 in public interest. Thereafter he was reinstated on the basis of this Tribunal's orders in O.A. No.2547/90 decided on 6.9.1995. The applicant was in receipt of his retiral benefits as well as pensionary benefits obtained by him on account of his salary. Thus it cannot be said, on the applicant's own

reasoning, that he was not in receipt of at least part of his salary during the relevant months. Therefore, he does not come strictly within the purview of Rule 11(3). Secondly, the applicant on his reinstatement in 1996, asked that an amount of Rs. ^{2500/-} ~~125/-~~ be deducted on account of his GPF subscription. The respondents say that at the time of his compulsory retirement he was only making a contribution of Rs.500/- p.m. by way of GPF subscription. In his rejoinder the applicant has, however, claimed that in April, 1990 his contribution was Rs.1500/- p.m. Be that as it may, the applicant cannot obtain the benefit of Rule 11(3) by making a declaration of the subscription after the period in which the salary was due. I find that the applicant has not stated the full facts in his O.A. Although he mentioned that his declaration of GPF contribution made in 1996 was accepted in 1997, he nowhere pointed out that it was either Rs.500/- or Rs.1500/- at the time of his compulsory retirement. This was an essential fact for adjudication of the matter and should have been stated by the applicant in his O.A. Having skipped over this fact, I do not consider that he is entitled to consideration for ^{the} relief sought for by him.

5. For the aforesaid reason, the O.A. fails and the same is dismissed. There will be no order as to costs.

R.K. Ahooja
(R.K. AHOOJA)

MEMBER (A)