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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1113/1998

New Delhi: Decided on 25th January 1999

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Shri Parveen Singh,
S/O Shri Roop Chand,
Retired Assistant Central Intelligence,
Officer-I under
Intelligence Bureau,
Ministry of Home Affairs,
A.G.C.R. Building,
New Delhi,
R/o AG-1/276,
Vikas Puri,
New Delhi

..... Applicant.

(By Advocate: Shri S.K. Sawhney)

Versus

1. Union of India
through
Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
2. Pay & Accounts Officer,
Intelligence Bureau,
Ministry of Home Affairs,
AGCR Building,
New Delhi.

3. Accountant General (A & E)- I,
Uttar Pradesh,
20, Sarojini Naidu Marg,
Allahabad -001.

..... Respondents.

(By Advocate: Shri R. Nischal for R-1 and R-2
Shri M.K. Gupta for R-3.)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

Heard both sides.

2. Admittedly the only surviving grievance of the applicant is claim for interest @18% p.a. on GPF amounting to Rs.23,600/- for the period 1.4.89 till 31.3.94.

3. Applicant joined U.P. Police in 1954. He

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was taken on deputation in Intelligence Bureau (IB) on 10.4.67 and was absorbed in IB w.e.f. 26.3.88 and retired on 31.7.88. During deputation period Respondent No.3 maintained applicant's GPF account and applicant made regular contribution towards GPF from May, 1967 to April, 1988. Respondent No.3 sent an amount of Rs.23,600/- which included interest upto 31.3.89, to Respondent No.2 (Annexure-A) and the said amount was paid to applicant on 26.3.97 (Annexure-B). Respondents have also paid another amount Rs. 9,556/- as interest w.e.f. 1.4.94 to 31.3.97 pertaining to the period the balance was lying with them and this amount was also disbursed to applicant on 6.6.97.

4. There is no averment in respondents' reply that interest on the GPF balance of Rs.23,600/- for the period 1.4.89 to 31.3.94, ^{^ during which it lay,} ~~1.4.89 to 31.3.94~~ with Respondent No.3, has been paid to applicant.

5. In the reply filed by respondents who were represented by Addl. Central Govt. Standing Counsel Shri R.Nischal, it has been stated in the paragraph giving the background of the case that the interest for the aforesaid period has to be paid by Respondent No.3 (Accountant General, UP). However, in the separate reply filed by Respondent No.3, liability to pay interest for the aforesaid period 1.4.89 to 31.3.94 has been denied on the ground that after applicant's deputation and absorption in IB he should have got his account transferred from UP to Centre through his Drawing & Disbursing Officer concerned

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as he ceased to be an employee of State Govt. but he did not bring the fact of his deputation and absorption with Respondent No.2 to the notice of Respondent No.3 and hence Respondent No.3 cannot be held responsible for the GPF accumulation of Rs.23600/- lying with them. It is thereby suggested that if the fact of deputation/absorption with Respondent No.2 had been brought to the notice of Respondent No.3 earlier the GPF balance of Rs.23,600/- would have been transferred earlier.

6. It is true that the applicant should have brought the fact of his deputation and absorption with Respondent No.2 to the notice of Respondent No.3, in which case his GPF account could have been transferred from U.P. State to the Centre earlier, but it would be neither just nor fair to deny applicant the interest on GPF balance for the period 1989-94, merely because he did not bring the fact of his deputation and absorption with Respondent No.2 to the notice of Respondent No.3 earlier. The aforesaid GPF balance represents applicant's own legitimate and hard earned savings which remained with Respondent No.3, and which they put to use. Had this amount been saved in any bank, it would have also earned interest, and the claim for interest could not have been successfully refused merely because the applicant had not got transferred his bank account from one place to another. Similarly applicant's claim for interest on the GPF balance of Rs.23,600/- for the period 1989-94 cannot be denied in the instant case.

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7. Under the circumstance, the OA succeeds and is allowed. Respondent No.3 is directed to calculate and pay interest @12% p.a on the sum of Rs.23,600/- to applicant for the period 1.4.89 to 31.3.94 within three months from the date of receipt of a copy of this order. No costs.

Arulchigai
(S.R. ADIGE)
VICE CHAIRMAN (A).

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