

Central Administrative Tribunal  
Principal Bench

O.A.No.1403/98  
M.A.No.1500/98  
M.A.No.874/99

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

New Delhi, this the 22nd day of April, 1999

R.C.Nigam  
Flat No.EC/268  
Maya Enclave C-8 Area  
New Delhi.

... Applicant

(By Shri N.Ranganathasamy, Advocate)

Vs.

Union of India through  
1. the Secretary, Ministry of Law  
Shastri Bhawan A Wing  
Dr. Rajendra Prasad Road  
New Delhi.

2. The Secretary  
Department of Company Affairs  
Shastri Bhawan  
New Delhi.

3. The Regional Director  
Department of Company Affairs  
10/499B A 1 len Ganj  
Kanpur - 208 001 (U.P.State) .... Respondents

(By Shri Mohar Singh, Advocate)

O R D E R (Oral)

The applicant, who was working as Regional Director in the Department of Company Affairs, retired from service on 30.6.1994. His grievance is that the respondents have delayed the payment of his GPF amount which was received by him only on 14.2.1995. He has come before the Tribunal claiming interest at the rate of 18% per annum for the period the GPF was delayed by the respondents.

2. The claim of the applicant is denied by the respondents. They submit that the applicant was required to stop his GPF contributions before three months prior to his date of retirement. However, he continued to make

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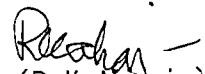
his contributions right upto June, 1994, i.e., the month in which he retired. Consequently, the GPF <sup>amount</sup> could only be closed in September, 1994. They also state that the applicant submitted his application for final payment of GPF on 5.8.1994 but it was incomplete inasmuch as the applicant did not mention in the prescribed column the name of the Bank through which he wanted the payment. As a result the Demand Draft was prepared and sent to a nationalised bank at its branch at Kanpur where the applicant was last posted. For these reasons, the respondents say that there was no wilful delay on their part.

3. I have heard the counsel. The learned counsel for the applicant argues that the applicant being himself Head of Office, it was the responsibility of the Head of Department to ensure that the retirement papers were completed well in time. Further he points out that the respondents sent the Cheque for the amount of GPF amounting to over Rs.6 lakhs to a branch of the Bank where transactions were only allowed upto a ceiling of Rs.5 lakhs. Consequently the Cheque was dishonored and a fresh Cheque had to be prepared by the respondents which was received by the applicant only on 14.2.1995.

4. Having considered the matter carefully, I find that the respondents cannot be blamed for delay upto 25.11.1994 since the applicant himself who was Head of Office was responsible for over subscribing to the GPF fund and also because he did not make the necessary entry regarding the Bank through which he wanted to receive the GPF amount. However, it was incumbent upon the respondents to ensure that the Cheque was drawn on a bank

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which could handle the amount. A plea cannot be taken that they were not aware of the transactions/ ceiling of the bank branch in question. The delay from 25.11.1994 to 14.2.1995 cannot therefore be attributed to the applicant. In these circumstances, I dispose of this OA with a direction that the respondents will pay 12% interest on the GPF from 25.11.1994 to 14.2.1995. This payment will be made within three months from the date of receipt of a copy of this order. No costs.

  
(R.K. Anooja)  
Member (A)

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