

Central Administrative Tribunal, Principal Bench

OA No.788/96

New Delhi this the 29th day of March, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mrs. Shanta Shastry, Member (Admnv)

Sh. Vijay Pal Singh/ S/o Sh. Parma Nand,
R/o Delhi C/o Sh. Sant Lal Advocate,
C-21(B), New Multan Nagar,
Delhi-110056.

...Applicant

(By Advocate Mr. Sant Lal, though none appeared)

-Versus-

1. Union of India, through
the Secretary, Ministry of
Communications, Deptt. of Posts,
Dak Bhawan, New Delhi.

2. The Chief Postmaster General, Delhi Circle,
Meghdoot Bhawan, New Delhi.

3. The Director of Accounts (Postal),
Civil Lines, Delhi-110054.

4. The Senior Postmaster,
Krishna Nagar, H.O. Delhi-110051.

...Respondents

(By Departmental Representative Shri R.B. Sharma, ASP (Courts))

O R D E R (ORAL)

By Reddy, J.-

None appears for the applicant, either in person or through counsel. The counsel for the respondents is also not present. They are, however, represented by departmental representative Shri R.B. Sharma, ASP (Courts). Since the matter is of 1996, we proceed to dispose of the same on merits, on the basis of the material on record.

2. The applicant joined service in Group 'D' cadre on 13.1.60. He was promoted to Group 'C' cadre as a Postman in June, 1977. He retired as a Sorting Postman (Group 'C') w.e.f. 30.6.95. He was a subscriber to the General Provident Fund (GPF) from the date of his appointment in Group 'D' cadre. After he retired, he submitted an application for

withdrawal of the accumulated amount of G.P.F. balance during July, 1995, i.e., within one month from the date of his retirement.. He requested the payment with interest. The respondents, however, did not make any payment on the ground that the GPF balance of class IV period was not included in the GPF account of his class III service from which he retired. By letter dated 12.1.96, the Director of Postal Accounts issued sanction of the competent authority for payment of Rs.74098/- on account of the GPF balance at credit of the applicant for class III period. According to the applicant he was entitled for interest for six months counted from the date of retirement, i.e., from 1.7.95 upto 31.12.95. As only the interest for five months has been paid, ~~he is,~~ ^{therefore,} entitled to be paid an amount of Rs.76513/-. The present OA is filed for the balance of the GPF amount for the period he was working in class IV as well as the remaining amount of GPF for the period during which he worked in class III posts, with interest.

3. The respondents filed the reply. They also filed an additional affidavit on 15.3.2000 in pursuance of the directions given by this court to file a ^{more} ~~calculated amount~~ as regards the GPF amounts due for the period from 1976-77 to 1995-96. It is the case of the respondents that the applicant is entitled only for an amount of Rs.8337/- towards GPF amount alongwith interest for the period during which he worked in class IV post and that the applicant was paid the amount that ^{he} was entitled ^{to} towards GPF amount for the period in which he worked and retired, i.e., in class III posts.

4. We have perused the pleadings carefully and noticed the points urged by the applicant in the OA. The claim of the applicant pertains to two periods, (i) the period

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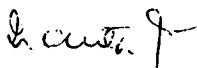
during which he worked in class IV post, i.e., from 13.1.60 to June 1977. ^{and 11) the period worked in cl. III post.} According to the memo of calculations of the applicant he was entitled for an amount of Rs.13,994/- alongwith interest. The respondents also filed the calculation memo in the additional affidavit. It is pointed out by the departmental representative that an amount of Rs.1200/- has been withdrawn in December, 1976 from the GPF account. The applicant has not shown this amount in his calculation memo (Annexure A-8). This made all the difference of about Rs.5667. It is, however, true that the respondents have shown ~~this~~ ^{as the amount due,} by mistake as Rs.8337/- instead of Rs.8537/-. Hence, the applicant is entitled for an ^{amount} of Rs.200/- towards this period.


5. With regard to the subsequent period he worked in class III post, the amount shown by the respondents was Rs.74098/- along with interest of five months after the date of application dated 8.9.95 (Annexure A-1). It is the case of the respondents that as the applicant made the application after one month from the date of his retirement, he is entitled only for the interest of five months from the said date and accordingly the same was paid to the applicant. This contention appears to be wholly incorrect. As per Rule 34 of GPF (CS) Rules, no doubt, it is the duty of the Accounts Officer to make payment on receipt of a written application, ^{along with interest} ~~and~~ from the date of the application. But sub rule (3) (i) of Rule 34 ^{stipulates} ~~provides~~ the obligation of the departmental authorities. The Head of Office shall send to every subscriber necessary forms either one year in advance of the date on which the subscriber attains the age of superannuation, or before the date of his anticipated retirement, with instruction that they should be returned to him duly completed within a period of one month from the date

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of receipt of the forms by the subscriber. The subscriber shall submit the application to the Accounts Officer through the Head of Office or Department for payment of the amount in the Fund. It is not shown by the respondents whether this requirement has been complied with or not. No mention is made in the counter affidavit or in the additional affidavit that the Head Office has sent the forms, asking the applicant to fill it up and send it within one month, before the date of his retirement. In the absence of sending an application in the required form to the applicant, he cannot be expected to make an application on the required forms prior to the date of his retirement. A subscriber would wake up to claim the retiral benefits only after he retires. Accordingly the applicant made his representation within one month of his retirement. Under Rule 11 (4) of the above Rules the subscriber is entitled for interest ^{✓ on the GPF amount} ~~thereon~~ upto the end of the month preceding that in which the payment is made or upto the end of sixth month after the month in which such amount, became payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid. In view of this provision, the applicant is entitled for interest ^{up to the} ~~for the~~ ^{✓ end of sixth} ~~remaining one~~ month. The OM dated 5.8.94 (Annexure E) can have application only if the respondents had complied with the requirements stipulated in sub rule (3) of Rule 34.

6. In view of the aforesaid discussion, the respondents are directed to pay the balance amount of Rs.200/- towards GPF for the first period and interest for one month on the GPF amount paid to him regarding the second period. This shall be done within a period of one month from the date of receipt of a copy of this order. The OA is accordingly disposed of. No costs.


(Smt. Shanta Shastry)
Member (Admny)


(V. Rajagopala Reddy)
Vice-Chairman (J)

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