

Central Administrative Tribunal
Principal Bench

O.A.No.1316/97

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

New Delhi, this the 22nd day of January, 1998

Shri. Dina Nath Rajpal
Assistant Engineer(Retd.)
s/o late Shri Khem Chand Rajpal
House No.N-83, Kirti Nagar
New Delhi - 15.

... Applicant

(Applicant in person)

Vs.

1. Union of India through
Secretary
Ministry of Defence
New Delhi - 1.
2. Controller General of Defence & Account
Sector-I, Block-II, R.K.Puram
New Delhi - 60.
3. JCDA (Funds) Meerut Cantt. through
CGDA, R.K.Puram, New Delhi.
4. Sh. S.K.Jain, Sr. AO Funds
JCDA Funds, Meerut Cantt through
CGDA, R.K.Puram, New Delhi.
5. Chief Engineer
Delhi Zone
Delhi Cantt-10.

... Respondents

(By Shri R.P.Aggarwal, Advocate)

O R D E R

The applicant, who joined the Military Engineering Service and retired from the post of Assistant Engineer on 31.3.1995, has come before this Tribunal seeking the following reliefs:

a) To direct the Respondents to pay interest at the rate of 18% per annum on four GPF part payments of Rs.587485, Rs.12119, Rs.46601, Rs.2937 and Rs.2119 less assessed on 1.4.1995 and paid, for unjustified and unreasonable delay w.e.f. 1.4.1995 till date of final payment, after recovering part interest included therein by the Department.

b) To pass suitable order against JCDA (Funds) Meerut Cantt. & Shri S.K.Jain, Sr. AO Funds, for their deliberate mala fide intentions.

c) To pass any other order(s) as may be deemed fit and proper.

d) To award cost of the application.

list
or

or

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The applicant's case in brief is that he had approached the concerned authorities for reconciliation of his GPF discrepancies beginning from 1990, Annexure-A2 but he was neither given any reply nor discrepancies were reconciled till his retirement. On the contrary, the Department had deducted a sum of Rs.1,36,908 on account of alleged excess GPF credited to his account in the year 1981-82. It was later on admitted that the deduction was in excess by Rs.46,601 and the same was paid to him on 6.8.1996. Similarly, a sum of Rs.12,119 was paid to him on 15.7.1996 and an amount of Rs.2,937 was received as late as on 11.10.1996. The applicant states that he had to write repeatedly and incur expenses on legal notices but due to the inefficiency and wilfull attitude of JCDA (Funds) and Sr.AO(Funds) he had to wait for a considerable time before receiving his proper dues. On that ground he has made a prayer for award of 18% interest on the late payments minus such interest as had already been credited.

3. I have heard the applicant in person and Shri R.P.Aggarwal, learned counsel for the respondents. The applicant has pointed out that the delayed payments have occurred due to improper maintainance of accounts, poor totalling and lack of application of mind on the part of the respondents. For example he has referred to JCDA Funds letter dated 30.7.1996, Annexure-A15 in which his subscriptions from March, 1994 to January, 1995, i.e., a period of 11 months at the rate of Rs.3,300 per month has been calculated at Rs.36000 instead of Rs.36300. The learned counsel for the respondents has fairly stated that there were some problems regarding missing credits and calculations but the same had been sorted out and the applicant has now been given his full dues along with interest wherever permissible.

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4. I have considered the matter. There is no doubt that but for the diligence and single minded pursuit of his case by the applicant the respondents would not have reconciled the amounts and made the payment of his dues. For example, the respondents had ~~deducted~~ ^{deducted} an amount of Rs.1,36,908 from his GPF payment on the basis, that, a sum of Rs.31,279 had been credited twice over in his account for March, 1981 and again in the year 1982-83. It was only after the applicant repeatedly pointed out the mistake that it was conceded that the excess was in 1986-87 for Rs.37,689 and the interest thereupon came to Rs.58,732. Thus as per letter of JCDA Funds, Annexure-A1 it came to be admitted that the deduction should have been Rs.98,526 instead of Rs.1,36,908. In the circumstances it cannot be said that the deduction of Rs.1,36,908 was proper and legal as claimed by the applicant.

5. During his arguments the applicant drew my attention to various other calculations according to which there are some further dues to which he is entitled from the GPF. I am however confining myself to the reliefs claimed by the applicant which have been reproduced above. ^{Pateently} ~~Presently~~ the delays in payments have been due to the fault of the respondents. He is therefore entitled in my view to the reliefs sought for to the extent of interest at 18% on the dues paid to him from the date of his retirement to the date of actual payment. The interest already paid will be deducted therefrom. This will be done within few months from the receipt of a copy of this order. No costs.

6. The OA is disposed of as above.


(R.K. AHOOJA)
MEMBER(A)

/rao/