

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1764 of 1997

New Delhi, this the 11th day of February, 1998

Hon'ble Mr. N. Sahu, Member (Admnv)

Smt. Kanta Bhatia, Sr. Language Teacher
(Retd) H.No. 1045/GH-13, Paschim Vihar,
New Delhi.

- APPLICANT

(By Advocate Shri K.P. Dohare)

Versus

Govt. of NCT of Delhi, through :

1. Chief Secretary, Govt. of NCT
Delhi, 5, Sharnath Marg, Delhi -
110054.
2. Secretary, Services, Govt. of NCT
of Delhi, 5, Sharnath Marg, Delhi -
110054.
3. Director of Education, Govt. of
NCT of Delhi, Old Secretariat,
Delhi - 110054.
4. Deputy Director (Education) West,
Office of the Deputy Director
(Edn.), Moti Nagar, Delhi.

-RESPONDENTS

(Respondent no. 4 by Shri Y.P. Manchanda,
Vice Principal, Govt. Coed. Sec.
School, Ambika Vihar, New Delhi)

O R D E R (O R A L)

By Mr. N. Sahu, Member (Admnv) -

The admitted facts are in a very short compass. The applicant retired on 30.4.1997. Admittedly, leave encashment amounting to Rs.12,938/- could not be paid to her on the date of her retirement. It was paid to her by cheque no.870413 dated 1.12.1997 on SBI East Patel Nager. The withheld gratuity amount of Rs. 1,000/- has been paid to her on 5.12.1997 by a cheque. All other retirement benefits were paid to her on the due date. Interest is payable on the above amounts from one month after the date of retirement till the

Karavimha

actual receipt, of the cheque at 12 % per annum in terms of the decision of the Hon'ble Supreme Court in the case of **O.P.Gupta Vs Union of India & others**, 1987(5) SLR SC 288 as the delay is unexplained and the explanation given is neither material nor relevant.

2. It is admitted that a sum of Rs.331 is payable towards (principal) along with an interest of 60.50p up to July, 1978. This amount has not been paid to her till date. The last date of making the claim for the CDS amount was extended by the Government of NCT of Delhi up to 30.9.1996. It was stated in the counter that after the expiry of the time limit this amount has been written off. The excuse given was that the applicant had kept the papers in her custody after she was transferred from GGSSS, Kalyanpuri to GGSSS, Bulbulli Khanna since 1980 and never submitted the same to the concerned authorities till the time of her retirement. In reply to the same it is submitted that as per the CDS scheme the amount was deducted during the period from November 1976 to April, 1977 while she worked in the Govt. Co-Ed Middle School, Trilokpuri, Delhi. Later on she was transferred to Kalyanpuri, Delhi. She first applied for refund of the amount on 19.12.1979 addressed to the Vice Principal, Senior Government Girls School, Kalyanpuri. This application was acknowledged on 19.12.1979. It is stated that the original bill was sent to the DDO Govt. Girls Senior Secondary School Bulbulli Khana no.1 duly certified by the Principal, Kalyanpuri by

Harasimha

registered post and duly received by the Principal of the Government Girls Senior Secondary School, Bulbulli Khana. No action was taken by the DDO for withdrawal of this amount since 1980 till 1997. The applicant approached the DDO as well as the Education Officer, Zone 12 of the concerned school but still no action was taken. The fact remained that the amount deposited carries with it a statutory rate of interest at 11.5% per annum and this amount of interest is compoundable yearly. The applicant has no obligation to repeatedly remind the respondents. The school authorities seem to have over looked this aspect of the matter. In view of the above facts and circumstances, I direct that the amount of CDS plus the statutory rate of interest shall be calculated strictly in accordance with the then existing rules and instructions prevalent on the subject; and remitted to the applicant within six weeks from the date of receipt of a copy of this order.

3. With regard to the credit of Rs. 1980/- to GPF account, respondent no.4 shall invite the applicant on any date mutually convenient within four weeks of the date of receipt of a copy of this order and explain to her as to how this amount stood credited to her GPF account already. If the records do not convey any such credit and respondent no.4 finds that the amount is not so credited, the said amount shall be paid with the statutory rate of 12 % per annum interest to her, within 4 weeks of the inspection of the records by the applicant.

Karim

9

4. The Original Application is disposed of with the above directions. No costs.

N. Sahu
(N. Sahu)
Member (Admnv)

rkv.