

Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No. 2544/94

New Delhi this the 24th day of November, 1995.

Hon'ble Sh. B.K. Singh, Member(A)

Sh. Jagdish Chander,
A.C.I.O.-II(G)Retired,
H.No. 27-A, Shyam Nagar,
Gali No.2, Tansen Yamuna,
Delhi-110051.

Applicant

(through Sh. Hari Lal, advocate)

versus

1. Union of India,
through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.

2. The Director of Intelligence Bureau,
Govt. of India, I.B.,
Ministry of Home Affairs,
North Block, New Delhi.

3. The C.C.A. Pay & Accounts Office,
I.B., Ministry of Home Affairs,
A.G.C.R. Building, New Delhi.

Respondents

(through Sh. K.C. Mittal, advocate)

O R D E R
delivered by Hon'ble Sh. B.K. Singh, Member(A)

This O.A.No. 2544/94 has been filed against
Order No.7/GPF Col 1/94(6)-2068 dated 21.9.1994.

The admitted facts are that the applicant was employed with Delhi Police under the Delhi Administration and he came on deputation to Respondent No.2 since 1979. He remained on deputation till January, 1988 when he was absorbed in the Intelligence Bureau (Ministry of Home Affairs) till December, 1987, deductions toward General Provident Fund, Pension

B

13

contribution, leave contribution etc. were being made by Intelligence Bureau and remitted to Delhi Administration which was the parent cadre of the applicant.

After absorption in January, 1988, he retired on 30.09.1991. Thus he put in a little over 3½ years service as a regular employee of the Intelligence Bureau. He was allotted a new G. P. F. number on his absorption by the Intelligence Bureau. He had a different number with Pay Cell & Accounts Officer, GPF/Delhi Administration. All the retiral benefits have been cleared and the entire amount due to him of the G.P.F. accumulations were also paid calculating the simple interest at the rate of 12%. The cheque was handed over in the court itself but the applicant had been refusing to accept the same, claiming 18% interest on the delayed payments. The cheques which were produced on 30.8.1995 has the following numbers and the amounts indicated therein:-

1. No. 458379 dt. 17.8.95 for Rs. 15,027/-
2. No. 458380 dt. 17.8.95 for Rs. 14,691/-
3. No. 449569 dt. 25.8.95 for Rs. 6,505/-

The cheques were handed over to the applicant in the court and his acknowledgement obtained and placed on record. The Tribunal had granted him liberty to approach the Tribunal if there was any further grievance about the amounts disbursed and received by him through the aforesaid cheques. The prayer now is to grant 18% compounded rate of interest on the delayed payment of G.P.F.

Heard the learned counsel for the parties and perused the record of the case.

A perusal of the record shows that the applicant has impleaded the following as parties to this O.A.: -

- (i) Union of India,

B

through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.

(ii) The Director of Intelligence Bureau,
Govt. of India, I.B.,
Ministry of Home Affairs,
North Block,
New Delhi, and

(iii) The C.C.A. Pay & Accounts Office,
I.B., Ministry of Home Affairs,
A.C.C.R. Building, New Delhi.

It is an admitted fact that the applicant served Intelligence Bureau only for a period of 3½ years and the major part of his service was spent with Delhi Administration and the amounts of G.P.F. accumulations with Delhi Administration relates to the period from entry into service to the date of absorption till Jan., 88. Delhi Administration is the necessary party in this O.A. but there is a non-joinder of a necessary party in this O.A.

The learned counsel for the respondents has categorically stated that the request of the applicant was forwarded to the D.C.A., Pay & Accounts Office, G.P.F. Cell, Delhi Administration on 30.1.1990 for transfer of G.P.F. balance to P&AO, I.B.(MHA), with a copy to him. He was also reminded on 30.5.90 and 21.11.90 to expedite the transfer of balance with a copy marked to the applicant. The Pay & Accounts Office, I.B.(MHA), New Delhi also reminded P&AO, GPF Cell, Delhi Administration on 29.1.92 with a copy to the applicant followed by a reminder on 23.4.1992. The P&AO, I.B.(MHA), New Delhi was addressed on 29.6.92. The P&AO, GPF Cell, Delhi Administration was reminded by Pay & Accounts Office,

B

I.B.(MHA) on 22.7.1992 and by I.B. Hqrs. on 30.7.92 for expediting the transfer. Reminders were also sent on 29.10.92, 13.11.92, 22.12.92, 30.9.93 and 14.10.93 and copies of these reminders were also marked to the applicant for information about the efforts made by the respondents and also hinting that the applicant should also pursue the matter with Delhi Administration under whom he worked practically for the entire service period - minus 3½ years which he rendered with Respondent No.2 i.e. I.B. With all the efforts made by the respondent No.2, a cheque No.43516 dated 5.10.93 for Rs.18346/- was received in the office of P&AO, I.B.(MHA), New Delhi. The respondents also have denied that subscriptions were recovered from the pay of the applicant upto August, 1991. They have stated in the counter-affidavit that subscriptions @ Rs.800/- from March, 1991 to July, 1991 (paid monthly) only were recovered. It has been further stated in the counter-affidavit that the legal notice dated 30.5.94 was received by Pay & Accounts Office, I.B.(MHA), New Delhi for expediting G.P.F. final payment. Without waiting any further, the P&AO, IB(MHA), New Delhi issued an authority for Rs.15,027/- on 16.6.94 after accounting for 5 credits @ Rs.800/- p.m. from March to July, 1991 and Rs.18,426/- transferred by Delhi Administration and retaining Rs.7000/- to avoid over payment. After this, the P&AO, I.B.(MHA) New Delhi pursued the matter vigorously with P&AO, G.P.F. Cell, Delhi Administration, Delhi by sending repeated reminders followed by personal visit to collect the required transfer of details for purposes of expediting/the G.P.F. accumulations to P&AO, I.B.(MHA) New Delhi. It is also admitted that the applicant was requested to collect the cheque

on 27.6.94 vide Annexure-RI and reminded on 19.9.94 and 1.11.94 vide Annexures-RIV and RV enclosed with the counter-affidavit. Inspite of the best efforts made by P&AO, IB, the interest on the G.P.F. accumulations due to the applicant with G.P.F. Cell, Delhi Administration was transferred only on 9.12.94. On receipt of this, the total G.P.F. accumulations with I.B. were reviewed suo-moto and residual balance of Rs.14,691/- was sanctioned for payment on 19.1.1995. The cheque for Rs.14,691/- was drawn at I.B. Hqrs. and the applicant was duly informed to collect the two cheques (Rs.15,027/- and Rs.14,691/-) vide Annexures-RVI and R-VII enclosed with the counter-affidavit. The message was sent by Cashier, I.B. Hqrs., R.K. Puram. A perusal of these annexures R-VI and R-VII will indicate that he was asked to collect the cheque personally or send pre-receipted bills in order to enable the cheques to be sent by registered post. It is admitted that there was no response from the applicant to these communications.

After hearing the rival contentions of the parties and going through the record of the case, it is clear that delay, if any, was on the part of Delhi Administration which was a necessary party but was not impleaded as such. There has been no lapse on the part of P&AO of the I.B. The applicant rendered a little more/with ^{than 3½ years service} Respondent No.2, and the various annexures enclosed with the counter-affidavit would go to show that they pursued the matter vigorously with P&AO, GPF Cell, Delhi Administration who is responsible for the delay

B

(17)

if any.

I do not find any negligence, callousness on the part of respondents No. 1, 2 & 3 and, therefore, no direction can be issued to them. They have calculated and paid 12% simple interest. The applicant himself has remained totally indifferent and does not seem to have supplemented the efforts made by respondents No. 1, 2 and 3 who have been writing to P&AO, GPF Cell, Delhi Administration repeatedly. It is only with their efforts that Deputy Controller of Accounts, GPF Cell, Delhi Administration was aroused from his slumber and sent the interest amount due on 9.12.94. This is the date crucial for judging whether there was any intentional delay, callousness and culpable negligence on the part of the respondents No. 1, 2 & 3 in releasing G.P.F. with 12% simple interest. The reply is a firm 'no'. This application suffers from non-joinder of a necessary party i.e. D.C.A., G.P.F. Cell, Delhi Administration who is mainly responsible for the delay, if any. There has been no intentional lapse on the part of the respondents No. 1, 2 & 3 who have been impleaded as parties in this O.A. and accordingly the O.A. fails and is dismissed but without any order as to costs.

(B.K. SINGH)
Member(A)

/vv/