

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * *

O.A. NO. 1858/1991

DATE OF DECISION: 01.01.1992

(b)

SHRI D.K. SHARMA

...APPLICANT

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM

SHRI I.K. RASGOTRA, HON'BLE MEMBER (A)

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANT

...SHRI N.D. BATRA

FOR THE RESPONDENTS

...SHRI B.N. AGGARWAL,
PROXY COUNSEL FOR
SHRI P.P. KHURANA

1. Whether Reporters of local papers may be allowed
to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

(DELIVERED BY SHRI I.K. RASGOTRA, HON'BLE MEMBER (A))

The applicant, Shri D.K. Sharma was removed from service
vide order dt. 3.1.1989. His appeal was rejected by the
competent authority on 19.9.1989. The applicant thereafter
requested the respondents to make final payment of the amount
standing at his credit in his G.P.F. Account. He followed

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In the meantime
up his request with a reminder on 29.12.1990. Vide letter
dt. 26.4.1990, the Pay and Accounts Officer had advised
the Deputy Collector, Customs that an amount of Rs.39,528/-
was due to be paid to the applicant inclusive of interest
calculated upto April, 1990. A copy of this letter was also
endorsed to the applicant. Despite this authorisation,
the applicant was not made the said payment.

2. The payment of the G.P.F. amount was ultimately made
to the applicant vide Cheque No.59107 dt. 13.2.1991 for
Rs.39,528/-. The grievance of the applicant is that
despite his representations, the payment of G.P.F. amount
was unnecessarily delayed by the respondents which
included the interest only upto April, 1990. Since
actually the payment has been made only in February, 1991,
according to Rule 11(iv) of G.P.F. Rules, he is entitled
to the payment of interest upto the end of the month
preceding which the payment is actually made. The facts
of the case are not disputed. The respondents, however,
contend that the payment could not be given effect as
neither the applicant attended the office to collect the
cheque nor did he furnish his latest address to the Cashier,
who in absence of his address could not mail the cheque to him.

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The learned counsel for the applicant, however, referred us to his rejoinder and particularly his letters dt. 29.9.1989, 29.12.1989 and 5.2.1990 in which he had clearly given his address to the respondents. The lack of availability of the address, therefore, could not be the reason for the delay in making payment of the G.P.F. amount due to the applicant.

3. We have considered the rival contentions and perused the record of the case carefully. We find that the cheque was actually prepared on 11.5.1990 and it was valid upto 13.2.1991. Apparently during this time, the cheque continued to remain in the office of the respondents. Neither the cheque was despatched to the applicant nor was the amount credited to the respondents' account as 'Unpaid'. The normal validity of a cheque is for three months and if the payment was not made during the period of validity of the cheque, the cheque should have been cancelled. In the circumstances, we are of the view that the delay in making payment of the G.P.F. amount due to the applicant rests squarely on the respondents. The applicant shall, therefore, be entitled to the payment of interest upto 31.1.1991. We order accordingly. The respondents shall make the payment of interest for the period from 1.5.1990 to 31.1.1991 within a period of six weeks from the date of communication of this order. The OA is disposed of as above with no orders as to the costs.

J.P. Sharma
(J.P. SHARMA) 1.1.92
MEMBER (J)

D. Singh
(I.K. RASGOTRA)
MEMBER (A)