

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * *

O.A. NO. 1858/1991

DATE OF DECISION : 01.01.1992

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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(P)

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 preceeding 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.

[Signature]

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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)

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER (A)