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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 350/2005
OA 2593/2004 -

New Delhi, this the 7th day of April 2006

HON'BLE MR. V.K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)

P.K. Sarin,
S/o Shri S.N. Sarin
492/KG-1, Vikas Puri, New Delhi.

... Applicant.

(By Shri P.K. Sarin, applicant in person)

VERSUS

Shri Anil Baijal,
Secretary, Ministry of Urban Development
and Poverty Alleviation, Nirman Bhawan,
New Delhi.

... Contemnor No.1

Shri B. Majumdar,
Director General (W),
Central Public Works Department
Nirman Bhawan, New Delhi.

... Contemnor No.2

Shri R.P. Bhardwaj,
Chief Engineer, NDZ-IV,
East Block-1, Level-III,
R.K. Puram, New Delhi.

... Contemnor No.3

(By Advocate Shri Rajeev Bansal and Sh. R.P. Bhardwaj, Chief Engineer,
departmental representative)

O R D E R (ORAL)

By Hon'ble Mr. V.K. Majotra, Vice-Chairman (A):-

Heard applicant in person. Shri R.P. Bhardwaj, Chief Engineer, NDZ-IV,
East Block-1, Level-III, R.K. Puram, New Delhi appears in person in compliance
of our order dated 22.3.2006.

2. Applicant stated that he had provided calculation of interest payable to him
in terms of Tribunal's order dated 11.4.2005 whereby his OA was partly allowed
but respondents have not paid interest in accordance with that calculation and
have also not paid interest on arrears of pay and allowances from 20.11.2002 to
30.5.2004 at all. On the other hand, respondents drawing our attention to Annual
Statement of General Provident Fund Account for the year 2004-05 stated that
the opening balance of the applicant as subscribed to GPF was taken as

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Rs.53,860/-. Thereafter deposits of sums of Rs.6,34,107/- and Rs.1,11,000/- were considered in terms of Tribunal's orders and applicant was paid interest amounting to Rs.5,97,203/- as also Rs.8797/-. Learned counsel of the respondents stated that interest amounting to Rs.20,978/- on arrears of pay and allowances from 20.11.2002 to 30.05.2004 has not been paid as per Annexure R-5 dated 07.3.2006 and amount of Rs.4,54,338/- is recoverable from him, ^{as lb} ~~taking that~~ interest on GPF as well as on arrears was due to the applicant only for the period from 20.11.2002 to 31.05.2004.

3. OA 2593/2004 was partly allowed with following observations / directions to the respondents:-

14. However, one should not loose sight of the fact that during the period from 1991 to 2004 when the applicant was placed under suspension the PF accumulated entails interest as in the case of Awasthi who was not placed under suspension.

15. In the above view of the matter, for the reasons recorded, claim of the interest of the applicant since 1991 is rejected. However, OA is party allowed directing the respondents to pay simple interest @12% p.a. on the arrears from 20.11.2002 i.e. 3 months after the judgment of the Trial Court till it is actually paid to the applicant. Respondents shall also pay interest on GPF of the applicant @12% p.a. This shall be done within a period of three months from the date of receipt of a copy of this order. No costs."

4. It is clear from these orders that respondents were required to pay interest @ 12 % p.a. on accumulated amounts of GPF from 1991 to 2004 ~~but~~ as in the case of S.K. Awasthi, who was co-accused and was not placed under suspension. But as respects arrears of pay and allowance, interest @ 12% p.a. was payable from 20.11.2002 to the date of actual payment.

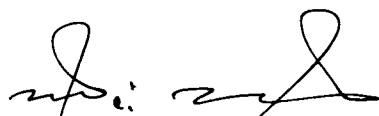
5. Respondents as per Annexure R-5 have paid a sum of Rs.5,97,203/- on account of arrears of GPF which is quite in accordance with the calculation made by the applicant as well as Tribunal's directions contained in Tribunal's orders. However respondents have not paid interest on arrears of pay and allowances amounting to Rs.20,978/-. Respondents are directed to pay this amount to the applicant within a period of one month from today. Respondents' contention that applicant ought to have been paid interest on GPF only from 20.11.2002 to

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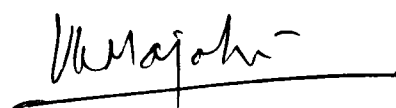
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31.05.04 is rejected. As such they are not held entitled to recovery of an amount of Rs.4,54,338/- from the interest paid to the applicant on GPF.

6. With the above directions, present CP is disposed of. However, if the applicant is still aggrieved, he shall have liberty as per law.


(Mukesh Kumar Gupta)
Member (J)

/gkk/


(V.K. Majotra)
vice-Chairman (A)
7.4.06