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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1102 of 1993 Date of Decision: 19.8.93

Narayan Singh YadavApplicant.

Versus

Union of India & othersRespondents.

CORAM:

Hon'ble Mr.C.J.Roy, Member(J)

Hon'ble Mr.S.R.Adige, Member(A)

Applicant in person.

Mrs.Geeta Luthra, counsel for the respondents.

JUDGMENT

(By Hon'ble Mr.S.R.Adige, Member(A).)

This is an application filed by Shri N.S.Yadav, a dismissed Civil Defence Instructor, Directorate of Civil Defence, Raja Garden, New Delhi praying for

- i) Payment of leave salary for the months of September and October, 1980 and for the period 5th Dec. to 10th Dec. 1980.
- ii) G.P.F. amount with interest.
- iii) Rs.50,000/- for mental, physical, pecuniary loss and loss of service.
- iv) Postal, telegraph, telephone, stationery expenses as well as expenses for reaching Tribunal.

2. The applicant was heard in person. Mrs.Geeta Luthra was heard on behalf of the respondents.

3. It appears that the applicant was dismissed from service w.e.f. 1.3.81 consequent to a departmental proceeding against him for unauthorised absence from duty and for running his own business/industry vide order dated 21.9.83 (Annexure-17).

4. Regarding leave salary, the respondents in their reply and during course of hearing, have given an undertaking to pay the same, but state that a sum

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of Rs. 750/- plus ~~interest~~ interest thereon is still outstanding against the applicant in respect of scooter advance taken by him. The applicant gave an undertaking during the course of hearing that the same would be repaid within two weeks of the date of receipt of this order, and Mrs. Geeta Luthra likewise gave an undertaking on behalf of respondents that the leave salary dues to the applicant would be paid to him within 30 days of the clearance of the above dues by him. We order accordingly.

5. Regarding the payment of GPF dues, the respondents averred that the delay was on account of the applicant failing to furnish the request Form D for withdrawal of GPF till 18.2.93. Immediately after filing of the Form on that date, the case was taken up to the GPF Cell and the necessary authority for the payment of his dues and the sanction had been obtained. The GPF dues should be paid within one month of the date of receipt of the copy of the order.

6. In so far as the applicant's claim for interest on this amount is concerned, the same can succeed only if he establishes that the delay in payment of GPF dues was on account of negligence and inefficiency of the respondents. We have examined the personal file of the applicant which was produced before us by the learned counsel for the respondents from which it appears that his first request for release of GPF dues was received only on 10.12.90 and he was informed by the respondents to submit his GPF application Form for clearance of the dues on 5.2.91. The applicant furnished the request Form D for final withdrawal of GPF on 18.2.93, and hence no delay or

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inefficiency can be ascribed to the respondents for not clearing the applicant's GPF dues earlier. Hence the prayer for payment of interest on GPF dues is rejected.

7. In so far as the prayer for grant of Rs.50,000/- for mental, physical, pecuniary loss and loss of service, as well as for reimbursement of expenses incurred on the litigation is concerned, the same is rejected, as this is not the proper forum for granting the said relief.

8. This application is disposed of accordingly in the light of above directions. No costs.

Adige
(S.R.ADIGE)
MEMBER(A)

W.S.Roy 12/3/93
(C.J.ROY)
MEMBER(J)

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