

OPEN COURT

CENTRAL ADMINISTRATAIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated: This the 21st day of OCTOBER 2005.

Original Application No.1113 of 2004

HON'BLE MR. K.B.S. Rajan, Member (J).

Dr. S.R.P. Updhayaya, S/o Sri C.B. Updhayaya,
R/o 14, Hargovind Nagar, (Behind Bansal Marble),
Pilibhit Road,
BAREILLY.

.....Applicant

By Adv: In person.

V E R S U S

1. The Joint Central Defence Accountant (JCDA), Meerut Cantt.
2. Ministry of Labour, through its Secretary, Shram Shakti Bhawan, NEW DELHI.
3. Central Board for Workers Education, through its Director, Near BRCE Gate, North Bmba Jhari Rpad, NAGPUR.
4. The Director, Airal Delivery Research & Development Station Road, AGRA CANTT.
5. Union of India through Secretary Labour, Shram Shakti Bhawan, Rafi Marg, NEW DELHI.

.....Respondents.

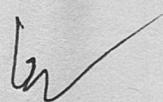
.....By Adv: Sri R.K. Tiwari.

O R D E R

For Applicant: Dr. S.R.P. Updhayaya (in Person)

For Respondents: Sri R.K. Tiwari.

Heard. The applicant states that he was in service from 1963 to March 1978 with the Ministry of Defence whereafter, after completing training between 20-03-78 to 19-07-78, he joined respondent No. 3 organization on 20-7-1978 where he served till 30.11.2002. As the two departments are Central



Govt. department his subscription to GP Fund during his service in the Defence Department was to be got transferred to respondent No. 3. According to the applicant, the primary responsibility in this regard is of the Ministry of Defence and in case of their failure it is of respondent No. 3. It was as late as in 1997 the services were counted. And so far as transfer of GP Fund is concern vide letter-dated 23.11.2000, the JCDA Funds Meerut (respondent No. 1) had issued a cheque for Rs. 3775/- and sent the same to respondent No. 4. There has been no detail to confirm whether the aforesaid amounts included interest on the credit balance of GP Funds and if so up to what period. According to the applicant obviously interest has not been added to the said amount right from the date he was posted out of the Ministry of Defence.

2. The respondents' counsel submits that on the application of the applicant a sum of Rs. 363/- was made available to the applicant vide order dated 11.7.2003 issued by respondent No. 1.

3. Provident Fund is enjoying certain immunity from attachment (**Union of India v. Radha Kisan Agarwala, (1969) 1 SCC 225**) and the credit balance in the fund amount stands entirely on a different footing annually interest is expected to the automatically credited to the Fund Account and the same together with the subscription would constitute the opening balance of the succeeding year. As such, it is inconceivable that the JCDA Funds would have credited upto date interest till 2000 when he passed the credit balance to respondent No. 4.

4. The fact that a sum of Rs. 363/- has been paid as interest goes to show that JCDA Funds Meerut has calculated interest only for a short period, from the date of application till the date of payment. There is no justification in denying the applicant

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Interest on GPF for the past period limiting grant of interest only from the date of application, for, such interest as stated earlier is an automatic addition to the credit balance annually at the prevailing rate of interest.

5. In view of the above the OA succeeds. Respondent No. 1 is directed to verify the records and calculate interest on the credit balance as of March 1978 onwards till the amount had been transferred to respondent No. 4 and the said amount of interest shall be paid to the applicant. The amount already paid as interest may be adjusted from the total interest due to the applicant. The JCDA Funds Meerut shall also furnish to the applicant the details of the interest worked out by him.

6. The above direction shall be complied with within a period of 4 months from the date of communication of this order. No cost.



Member (J)

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