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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No. 1203/2005

.....DAY THIS THE 25<sup>th</sup> DAY OF JANUARY, 2007

HON'BLE MR. K. ELANGO

..

MEMBER J)

Deo Dutt,  
S/o Late Ram Chander,  
R/o Village Rayee, Pergana Chhapaar,  
Tehsil and District Muzaffarnagar,  
At present residing at  
No.16-D, Pocket-F, Mayur Vihar, Face-II,  
New Delhi - 110 091.

Applicant

(By Advocate Shri R.K. Mishra)

Vs.

1. The Union of India, through  
Under Secretary,  
Ministry of Defence,  
Government of India,  
New Delhi.
2. The Engineer-in-Chief,  
Coord and Pers Directorate/E1B  
Engineer-in-Chief's Branch,  
Army Head Quarters, DHQ PO,  
New Delhi - 110 011.
3. The Chief Engineer, Headquarter,  
Central Command,  
Lucknow - 226 002.
4. The Chief Engineer,  
Udhampur Zone, Post Office Gazhi,  
Udhampur (Jammu & Kashmir)  
Pin Code - 182 121.
5. The Senior Accounts Officer,  
J.C.D.A.(Funds),  
Meerut Cantt.

Respondents

(By Advocate Shri Saumitra Singh,  
Senior Central Govt. Standing Counsel)

ORDER

In this application, the applicant has prayed for a direction to the respondents to pay the with-held G.P.F. interest of Rs.1,19,229/= for the period 1991-92 to 1996-97 and further for the period from 1992-93 to 1996-97 pursuant to the judgment of this Tribunal in O.A. No.776/1991, as a consequential benefit,

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and to direct the respondents to decide the applicant's representation dated 14.10.2004, pending before Respondent No.4.

2. The case of the applicant is that while he was last working as Assistant Engineer, was retired from service on attainment of the age of 50 years under the provisions of C.S.R. 459(h). He was ordered to be paid a sum equivalent to the amount of his pay and allowances for a period of three months vide their order dated 17.07.1991. Against the said order of pre-mature retirement, the applicant filed O.A. No.776/1991. The said O.A. was disposed of on 07.09.2000, setting aside the order dated 17.07.1991 and declaring that the applicant be entitled to consequential benefits as the applicant had already attained the age of superannuation in May, 1996. During the pendency of the said O.A., the applicant was drawn and paid a sum of Rs.1,05,136/= being the final settlement of his GPF account along with the then up to date interest on the same.

3 The respondents contend that the applicant has been paid his GPF dues including up to date interest thereon, in all a sum of Rs.1,05,136/= and there is nothing left for the respondents to pay to the applicant.

4. Heard Shri R.K. Mishra, counsel for the applicant and Shri Saumitra Singh, the learned senior standing counsel for the respondents, and also perused the records.

5. Shri Mishra contends that, as per the judgment of this Tribunal dated 17.07.1991, the respondents were required to pay all consequential benefits to the applicant. He submits that, had the applicant not been pre-maturely retired in July, 1991, he would have retired in the normal course on attaining the age of superannuation in May, 1996. Thereby, taking into consideration the rate of last contribution of the applicant towards GPF as Rs.1,500/= p.m., as per the statement annexed as Annexure-A3, the applicant would have earned an interest of Rs.39,615/= at 12% p.a. up to May, 1996. Further, the applicant contends that he would have earned a sum of Rs.79,614/- on the last closing balance of

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Rs.1,04,434/- for the year 1992-93 upto May, 1996, as per Annexure-A4. Thus, the total interest that would have been earned by the applicant from his GPF account works out to rs.1,19,229/=-, which the respondents have alleged to have with-held and not paid to the applicant.

6. On the other hand, Shri Saumitra Singh, the learned Senior Central Govt. Standing Counsel, appearing for the respondents, states that when the applicant had been drawn and paid the full amount of his GPF account along with up-to-date interest thereon, bringing his account to nil balance, the payment of alleged interest to the applicant does not arise.

7. The learned counsel for the applicant has further stated that the applicant has submitted a detailed letter dated 14.10.2004 to the respondents as at Annexure-A6, which is still pending disposal and he prays that a direction be issued to the respondents to dispose of the same by a reasoned and speaking order.

8. Heard both the learned counsel for the applicant and the respondents and also perused the records.

9. The matter is very simple. After the issuance of pre-retirement order, the applicant was drawn and paid the full amount of his GPF account with up-to-date interest about which the applicant has no grievance. When the GPF account of the applicant has been fully closed with nil balance to his credit, payment of interest for a nil balance account would not arise. Had the applicant, having drawn the amount from his GPF account and deposited the same in the Bank, perhaps, he would have earned that much of interest on the same. Further, had the applicant opened a R.D. account or any other type of account in a Bank and went on depositing his GPF contribution amount in the same, then too, he would have earned interest upon the same. Here, he has neither kept his amount with the respondents nor has he contributed anything towards subscription in the GPF after his pre-mature retirement. Therefore, without there being any contribution from

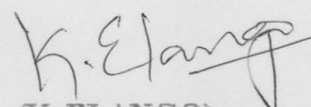
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the applicant's side, the question of payment of interest by the respondents does not arise. Further, directing the respondents to dispose of the representation of the applicant which is purported to be pending with them, would also not give any relief to the applicant as there is no basis to claim the same.

10. In view of the foregoing, I am of the considered view that this application lacks any merit and deserves dismissal. Accordingly, the O.A. is dismissed with no order as to costs.

  
(K. ELANGO)  
MEMBER (J)

psp.