

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 20nd day of February 1997.

Original Application no. 1309 of 1993.

Hon'ble Mr. S. Dayal, Administrative Member.

M.K. Goel, S/o Late Shri R.G. Agarwal, R/o 44, Officers Colony, U.P. Avas Eevam Vikas Parishad, Behind Gurdev Palace, Lakhanpur, Kanpur.

... Applicant.

C/A Sri Sanjay Kumar

Versus

1. Union of India, through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Allahabad.

... Respondents.

C/R Sri A.V. Srivastava.

ORDER

Hon'ble Mr. S. Dayal, Member-A.

This is an application under section 19 of the Administrative Tribunals Act, 1985.

2. The applicant seeks following reliefs in this application:-

- i. A direction to the respondents to pay the petitioner his Gratuity, Provident Fund, Pension and other retiral benefits.

// 2 //

ii. a direction to the respondents to pay interest @ 18% per annum with effect from 06.12.76.

iii. to award the cost of the petition.

3. Arguements of Sri S. Kumar learned counsel for the applicant and Sri A.V. Srivastava learned counsel for the respondents were heard.

4. Learned counsel for the applicant submitted that all other matters have been resolved and new controversy is limited to locking up the Provident Fund amount of Rs. 5945/- on the locked up provident fund Account of Rs. 5945/- and non payment of interest thereon. Learned counsel for the applicant mentions that the amount of Rs. 5589/- has been paid to the applicant some-times in 1994. This amount of Rs. 5589/- pertains to the year 1973(01.12.1973). He claims that the interest @18% per annum should be paid on this amount to the applicant because there is no explanation ^{for} of delay of 20 Years in payment of this amount to the applicant and the applicant has been subjected to inordinate delay ^{and} of harrasment in getting this amount.

5. Learned counsel for the respondents contested the claim of the applicant on the ground that the applicant had taken retirement in 1982 and, therefore, he should claim interest only upto 1982 and secondly that the applicant is claiming this amount belatedly, interest over the entire period of 20 years is not admissible.

6, It is admitted by both parties that this amount of Rs. 5589/- paid to the applicant was of Provident Fund and that it remained with the Railway Authorities till 1994 when it was paid to the applicant. This amount should have earned

// 3 //

the same rate of interest as admissible in case of Provident Fund of other Railway Employees and it would be in the ~~interest~~ ^{interest} of justice that the Railway Authorities are asked to calculate rate of interest as admissible in case of their Provident Fund ^{employees' accounts} from time to time for the period from 1974 to 1994. The respondents are directed to make calculation ^{of interest on Rs. 5589 from 1974 to 1994} within three months from the date of receipt of application from the applicant, giving specific date ^{defining the period} for which the interest has to be calculated.

7. There shall be no order as to costs.


Member-A

/pc/