

claim from GPF

5

CAT/1/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
~~NEW DELHI~~

O.A. No. 134 OF 1988  
~~XXXXXX~~

DATE OF DECISION 27-3-1991.

K. Padmanabhan Nambiar, Petitioner

Mr. Sharad Pandit for Mr. Girish Patel. Advocate for the Petitioner(x)

Versus

Union of India & Ors. Respondents.

Mr. Jayant Patel Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. S. Santhana Krishnan, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

Shri K. Padmanabhan Nambiar,  
P/10, Parasmani Flats,  
Near Ranna Park,  
Ghatlodia, Ahmedabad. 61.

..... Applicant

(Advocate: Mr. Sharad Pandit for  
Mr. Girish Patel)

Versus.

1. Union of India,  
through the Secretary,  
Ministry of Defence,  
Government of India,  
New Delhi.
2. The Chief Engineer,  
Southern Command,  
Pune.
3. The Garrison Engineer,  
Cantonment Area,  
Ahmedabad - 380 003.
4. Joint Controller of Defence  
Accounts (Funds),  
Meerut.

..... Respondents.

(Advocate Mr. Jayant Patel)

ORAL ORDER

O.A.No. 134/1988

Date: 27-3-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

In this original application the applicant's grievance is on account of nonpayment of his GPF money and other retiral benefits. He retired on 1.6.1982, from the post of Superintendent (Building and Road) Grade-I in the Office of Garrison Engineer, Cantonment, Ahmedabad. The respondents do not dispute that the GPF and the other retirement benefits were due to the applicant. Their reply dated 3rd June, 1988 is to the effect that partly because of the negligence of the applicant at various stages during his service and after his retirement, it became difficult for the respondents to come to correct calculations of amounts

H H. Sur

(7)

due which led to delay at various stages in correspondence and clarifications. Ultimately, the accounts have been paid on different dates mentioned in the reply. In the reply, fault is found with the applicant on the ground that to the GPF account slips forwarded to the applicant every year, the applicant did not point out discrepancy if any within three months of their receipt failing which presumption of acceptance of the balance in the account slips as mentioned in the slip arose. Because of such lapses on the part of the applicant reconciliation steps were taken up which took time and finally it was on 21.12.1985 that the applicant could be intimated about the correct GPF balance and payment of Rs. 8,801/- made on 23.4.1988 by cheque. This included interest upto March 1988. As interest <sup>on</sup> of GPF balance has already been paid though the rate of interest allowed is not stated, we do not find substance in <sup>Mr H</sup> Pandit's submission that had the applicant received the money earlier he would have invested it in a manner which would have yielded higher rate of interest and therefore higher rate of interest should be awarded. The submission is hypothetical and payment of interest <sup>at</sup> of rate prescribed on GPF balance if made should suffice to compensate the applicant towards any loss caused by the delay in payment.

2. With regard to nonpayment of HRA/CCA due to merger of DA/DDA which become <sup>a</sup> subject matter of legal notice dated 12.7.1985, protracted <sup>h</sup> correspondence took place between the concerned officers and the bill was ultimately passed and payment made to the applicant on 5.12.1988. It is in the respondents' reply that on this account also interest has been paid to the applicant at normal rate of interest. Respondents have

h. h. L

8

- 4 -

not taken pains to clarify the rate of interest and for what period the same has been calculated and paid. We hold that in case the interest has been calculated at rates <sup>11</sup> lower than 12% per annum simple, the respondents shall pay the difference between amount of interest at the rate of 12% per annum simple and the amount already paid.

3. With regard to the HRA/CCA, the reply of the respondents is to the effect that there is no such claim pending. No rejoinder has been filed to the reply. We are not inclined to pass any orders on this account as in original application, no evidence is furnished to show that amount accrues to the applicant on this count.

4. With regard to the increased ADA on various dates, the reply states that the amount has been paid to the applicant on 30.1.1988 with normal interest. The respondents have again~~x~~ not clarified from what date to what date the interest is calculated and at what rate. In view of this, view held in above para two is held for this item also.

5. With regard to CDS (New) account, the respondents have admitted in the reply that the matter is under correspondence between the officers and is under consideration. We therefore direct that the amount of this item if <sup>due to</sup> dies shall be paid to the applicant latest by 30th June, 1991 with interest at the rate of 12% per annum calculated from 1.6.1982, the date of the retirement of the applicant upto 30th June 1991.

6. With regard to discounted value of CGEIS, we accept the averments in the reply to the effect that

H. b. L

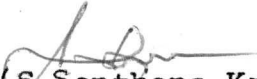
the amount has already been paid to the applicant in GPF.


7. With regard to the leave encashment, the respondents have averred that the certificate for encashment of un-utilised leave on the date of retirement could not be processed for want of settlement of the audit objection pertaining to year 1976-77 when the applicant was stated to have availed LTC twice in the same block year which caused double payment and was objected to by the audit. The respondents have further averred that after correspondence between the concerned officers, the leave certificate for 169 days was received in the office on 24.8.1985. Thereafter, bill was preferred and payment made on 1.9.1986. We are of the view that the audit objection should have <sup>been</sup> clarified by the applicant. As this was not done, for the resulting delay the applicant himself is responsible. We are not inclined to consider this item as meriting payment of any interest on account of delayed payment.

8. This application is thus liable to be finally disposed of on the lines mentioned above. To summarise, our final order is as follows:

9. Respondent No.3 shall make payments <sup>to the applicant</sup> as decided in above paras two, four and five on account of interest differences and another <sup>count</sup> ~~commut~~ latest by 30.6.1991.

10. No order as to costs.

  
(S. Santhana Krishnan)  
Judicial Member

  
(M.M. Singh)  
Admn. Member