

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

O.A. NO. /361/91
T.A. NO.

DATE OF DECISION 15-12-1995

I.F.Desai & ers.

Petitioner

Mr.Girish Patel

Advocate for the Petitioner (s)

Versus

Union of India & ers.

Respondent

Mr.N.S.Shevde

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. V.Radhakrishnan

: Member (A)

The Hon'ble Mr.

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

1. Ishwarbhai Fulabhai Desai
2. Shanabhai Fulabhai Solanki
3. Kantibhai Fulabhai Solanki
4. Magan Fulabhai Desai
5. Savitaben Lalabhai Solanki
6. Shantaben Shantihal Vaghela

All C/o Sector 3/B

Plot No. 214/2, Gandhinagar

Applicants

Advocate Mr. Girishn Patel

Versus

1. Union of India
Notice through the
Secretary, Ministry of
Railways, New Delhi.
2. General Manager
Western Railways
Churchgate, Bombay.
3. Financial Adviser &
Chief Accounts Officer
(Pen), Western Railways,
Churchgate, Bombay.
4. Divisional Railway Manager (E)
Western Railways, Prataphagar,
Vadodara

Respondents.

Advocate Mr. N.S. Shevde

O R A L O R D E R

In

Date: 15-12-1995

O.A. 361/1991

Per Hon'ble Shri V. Radhakrishnan

Member (A)

The original applicant who was latter on substituted by legal heirs on his death had originally opted for SRPF and he was paid that amount also on his retirement. He was, however, pursuing the case for correction of his birth-date in the Civil Court which was decreed in his favour allowing him to continue in service upto 1-2-1980. The applicant in the meantime had lost his opportunity of exercising his option for pension as per order in 1979 when he was pursuing the case in Court. The applicant had approached the Tribunal

by filing O.A. No.155/87 praying to allow him to opt for pensionary benefits instead of SRPF. This case was disposed of on 19-4-1990 by allowing the application and stating that the option exercised by the appellant even though late should be treated as option exercised by him in time and he should be granted pensionary benefits accordingly. The respondents granted him the pensionary benefits as per letter dated 18-1-1991, Annexure A-3. However, the applicant was asked to pay an amount of Rs. 13904/- as interest on the Provident Fund amount of Rs. 5555/- which was to be refunded by him to the respondents. The contention of the applicants is that while the Railway administration had charged interest on the refundable amount of SRPF they had not granted any interest on the arrears of pension of Rs. 46454/- from 1-3-1990 to 31-12-1990 paid to him in July 1991. Accordingly he prays for the following reliefs:

- (A) declaring the action of the respondents in not charging interest on the amount of delayed payment of arrears of pension of Rs. 46454/- as illegal, unjust, unfair, arbitrary, and discriminatory.
- (B) directing the respondents to pay interest at the rate of 18% p.a. on the aforesaid amount of arrears of pension.
- (C) in the laternative, declaring the action of the respondents in charging interest of Rs. 13904/- on the principal amount of PF of 5555/- as illegal and bad in law and directing the respondents to refund the said interest to the applicant and;
- (D) granting any other appropriate releif.



2. Mr. Yagnik learned Advocate for the applicant states that it is unfair and against equity that the applicant should be charged interest on the P.F. amount which was refunded denying the same on the arrears of pension paid to him which was delayed by almost 10 years and which was paid only after the orders of the Tribunal. The contention of Mr. Shevde learned advocate for the respondents is that interest on the refundable P.F. amount was chargeable according to Rules as the applicant was granted pension in lieu of SRPF and as per Rules no interest is payable on the arrears of pension paid to him. Moreover the arrears of pension were paid to him immediately after the judgment of the Tribunal.

3. There is no dispute about the fact that the applicant has paid Rs. 13904/- as interest on the P.F. Bonus refunded by him. It is also not in dispute that the amount of arrears of pension payable to the applicant from 1-2-1980 to 31-12-1990 amounting to Rs. 46454/- was paid sometime in January 1991. It is to be noted that once the applicant had refunded the P.F. Bonus amount alongwith interest his claim for pension would take effect from 1-2-1980 and he actually received the arrears of pension in January 1991. In these circumstances the claim of the applicant is quite reasonable) that he should be paid interest on arrears of pension or alternatively interest charged from him on the P.F. amount should be refunded reasonable time. In fact the applicant left the choice to the Railways to chose the alternative suited to them. Accordingly

in the interest of equity and natural justice the application is allowed and the respondents are directed to either refund the amount of Rs. 13904/- amount of interest charged from the applicant for the P.F. Bonus amount or in the alternative to pay him the interest at the same rate which was charged from him on the arrears of pension of Rs. 46454/- for the period 1-2-1980 to 31-12-1990 paid to him in January 1991. This exercise should be completed by the respondents within a period of eight weeks from the date of the receipt of a copy of this order. No order as to costs.



(V. Radhakrishnan)

Member (A)

*AS.