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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.934 Of 1996
Cuttack, this the 15th day of January, 1998

Padi Dei ...
Vrs.

Applicant.

Union of India and others

Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN 15/1/98

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.934 OF 1996
Cuttack, this the 15th day of January, 1998

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

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Padi Dei, aged about 76 years,
w/o late Aparthi (S/o Karoopa)
At-Aranchal, PO-Olhan,
Via-Nirakarpur, Dist.Khurda, OrissaApplicant.

By the Advocates - M/s Rajen Mohapatra,
Rabin Naik &
P.Kar.

Vrs.

1. Union of India, represented by its
General Manager,
Western Railway,
Mumbai (Bombay).
2. Divisional Railway Manager (Settlement),
Western Railway, Ajmer 305 001, Rajasthan.
3. Divisional Pay Master,
Western Railway,
Ajmer.
4. Divisional Personal Officer
(Settlement), Ajmer

Respondents.

By the Advocates - M/s D.N.Misra &
S.K.Panda.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this application under Section 19 of Administrative Tribunals Act, 1985, the petitioner, who is the widow of one Aparthi, son of Karoopa, has prayed for payment of interest on the G.P.F. amount standing in the name of her husband from 19.2.1992 till April 1997.

2. Facts of this case, as revealed from the application, are that the applicant's husband retired from

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Railway service while he was working as a Gangman in Western Railway. He took voluntary retirement from Railway service on 30.11.1991. From Annexure-1 it appears that his pension was sanctioned in order dated 15.2.1991 and sent to State Bank of India, Bhubaneswar Branch, for onward transmission to State Bank of India, Chandpur, for payment of pension. It is not clear how the Pension Payment Order was issued on 15.2.1991 when the applicant's husband, according to the applicant and also according to his representation at Annexure-2, retired with effect from 30.11.1991. In any case, payment of pension is not a matter for consideration in the present application. The applicant's husband died on 30.12.1995 vide death certificate (Annexure-4). During his life time, he did not get his G.P.F. amount standing at his credit amounting to Rs.22,662/-. It is submitted that G.P.F. amount was sanctioned by the respondents, but the address was wrong and as such the amount was returned and was deposited in unpaid list No.8/67 dated 19.2.1992.. After the applicant filed the O.A., the above G.P.F. amount was paid to her through special messenger. This fact was brought to the notice of the Tribunal and noted in order dated 15.5.1997. In the present application, the applicant has prayed for interest from 19.2.1992 till April 1997.

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3. Respondents did not file counter in spite of a large number of adjournments and the matter was fixed at the instance of the learned lawyer for the petitioner for peremptory hearing on 10.11.1997. On the date of hearing, a memo has been filed by Senior Divisional Personnel Officer, Western Railway, Ajmer, in which it has been stated that the Tribunal passed an ^{order} on 20.2.1997 for disposing of the representation of the applicant within a period of four weeks. This order was received by the respondents on 4.3.1997 and a fresh cheque dated 17.3.1997 was issued and paid to the applicant for the entire amount of Rs.22,662/-. Thus, it appears that the G.P.F. amount has by now been paid and only point which remains for consideration is the liability of the respondents to pay interest on this amount. It has been alleged by the applicant that the G.P.F. amount was sent to the applicant's husband after his retirement but the same was returned because of wrong address and was deposited in unpaid list on 19.2.1992. From this it appears that the respondents were at the first instance prompt in sending the G.P.F. amount. It is submitted by the learned lawyer for the petitioner that sending of G.P.F. amount in the wrong address was because of the fault of the respondents and thereafter even though several representations were made by the applicant's husband, the amount was not released till the

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applicant filed this O.A. and the order dated 20.2.1997 was passed, as referred to earlier. From Annexure-1 in which the Pension Payment Order had been sent, it appears that the respondents did have with them the correct address of the applicant's husband because Annexure-1 indicates his correct address. Therefore, there was no reason why they could not have sent the G.P.F. amount once it was returned to them because of the wrong address. In the petition filed on 10.11.1997, the respondents have not taken the plea that because of some lapse on the part of the applicant's husband, the G.P.F. amount was sent to a wrong address. In any case, it was the responsibility of the respondents to make payment of the G.P.F. amount to a retired employee promptly and since they had the correct address of the applicant's husband, they should have sent the G.P.F. amount once again to the correct address after it was returned. In the process, the applicant's husband could not get the G.P.F. amount during his life time. There is, therefore, a strong case for payment of interest by the respondents on the G.P.F. amount standing at the credit of the applicant's husband at the time of his retirement on 30.11.1991 till the amount was actually paid. Learned lawyer for the petitioner has claimed interest for the period from 19.2.1992 till the date of payment in the month of April 1997. In consideration of this, it is ordered that the respondents should pay interest on the G.P.F. amount

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standing at the credit of the applicant's husband on the date of his retirement at the rate of 12% per annum from 19.2.1992 till the date of actual payment. This amount should be paid within a period of 90 (ninety) days from the date of receipt of copy of this order.

4. Before parting with the case, one aspect of this matter, as it appears from the pleadings of the parties, will have to be referred to. According to the applicant as also her husband's representation at Annexure-2, applicant's husband took voluntary retirement on 30.11.1991 and died on 30.12.1995. At the time of his death, his age could not have been more than 62 years because he took voluntary retirement presumably before his date of superannuation. In the application, however, the applicant, the widow of Aparthi has mentioned her age as 76 years. Moreover, in the legal heir certificate at Annexure-5, applicant's husband Aparthi who, as I said, died before attaining the age of 62 years, is shown to be having a daughter aged 50 years. I mention this only to bring out the point that before making the payment of interest to the widow of the retired Railway employee Aparthi, the respondents should make thorough and detailed enquiry and pay the interest amount to the proper person so that there is no complication in this regard in future.

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5. In the result, therefore, the Original Application is disposed of in terms of the observation and direction contained in paragraphs 3 and 4 of this order. No costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN 15/1/98

AN/PS