

10

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.145 OF 1998
Cuttack this the 2nd day of July, 1999

Suresh Chandra Das

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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

(G.NARASIMHAM)
MEMBER(JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN
2.7.99

11

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.145 OF 1998
Cuttack this the 2nd day of July, 1999

CORAM:

**THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)**

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Suresh Chandra Das,
At/ Kundeibenta Sahi
Jena Matha Lane, Puri
PO/P.S. Town and District: Puri

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Applicant

By the Advocates : M/s.A.A.Das,
B.Mohanty B.Mohanty
T.K.Patnaik T.K.Patnaik

-Versus-

1. Union of India through
Accountant General(A&E)
Orissa, Bhubaneswar
District: Khurda
2. Deputy Accountant General(A&E)
Puri, Town and District: Puri
3. Managing Director,
Cooperative Society,
Accountant General Office,
Bhubaneswar, District: Khurda
4. Executive Engineer,
Rural Works Division, Puri
Town and District: Puri

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Respondents

S.Som.
By the Advocates : Mr.J.K.Nayak
Addl.Standing Counsel
(Res. 1 and 2)

Mr.K.C.Mohanty,
Govt. Advocate
(Res. 4)

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ORDER

MR.SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for interest on G.P.F. amount for the period from 30.9.1994, on his retirement, till 31.5.1995, the date of actual payment. He has also prayed for interest on the gratuity amount paid to him after his retirement. His third prayer is for refund of a sum of Rs.22706/- which was illegally deducted by the Managing Director, Co-operative Society, A.G. Office, Bhubaneswar (Res.3). It is submitted by the learned counsel for the petitioner that he does not press the third prayer and his application is confined to first two prayers.

2. The case of the applicant is that he retired on superannuation on 30.9.1994 and he had submitted the G.P.F. application for final withdrawal of the G.P.F. balance Part-I and II in July, 1994 and August, 1994, but notwithstanding this payment of final withdrawal of G.P.F. amount was made to him on 1.2.1995 and 3.4.1995. Because of this the petitioner has prayed for interest from the date of retirement on 30.9.1994 till 31.5.1995. As regards interest on gratuity, the petitioner has stated that even though he retired on 30.9.1994, gratuity amount was paid to him only on 15.1.1995. In view of this he has prayed for interest on that amount.

3. Respondents 1, 2 and 4, viz., Executive Engineer, Rural Works Division, Puri, under whom the applicant was working as Divisional Accountant at the time of superannuation have appeared and filed their counter opposing the prayer of the applicant.

4. We have heard Shri B.Mohanty, learned counsel for the petitioner, Shri J.K.Nayak, learned Addl.Standing Counsel appearing for Res. 1 and 2 and Shri K.C.Mohanty, learned Govt. Advocate appearing for Res.4 and have also perused the records. It has been pointed out by Res.1 and 2 that under the rules Pt.I of the application for withdrawal has to be filed one year prior to the date of retirement and therefore, this should have been filed by the applicant by 30.9.1993, but he has filed Pt.I of the application in July, 1994, after considerable delay and therefore, it is urged that for the delay in payment of G.P.F. amount applicant is also responsible. Secondly it has been urged that Pt.II of the application was incomplete as it was without photograph and specimen signature and these were supplied and later on forwarded by the Executive Engineer in his letter dated 28.11.1994 which is Annexure-R-4/2. It is submitted by the learned Govt.Advocate that Res.4 has pointed out that the applicant personally took the letter dated 28.11.1994 at Annexure-R-4/2 and handed over the same in which Pt.1 was sent. Because of this there has been some delay in payment of final withdrawal of G.P.F. amount. The respondents have further stated that for this applicant is responsible and therefore, they are not liable for payment of interest as prayed for. As regards payment of interest on gratuity amount, it is submitted by the respondents that there was some delay in obtaining No Due Certificate from the Headquarters. The payment was made only ^{on} 15.1.1995. In this case when the applicant retired on 30.9.1994, the amount standing at his credit in the

G.P.F. Account was Rs.47, 697/- which is borne out by the Annual Statement of Provident Fund Account for the year 1993-94 which was sent to the applicant and also enclosed to his final withdrawal application. In this statement he has also asked for withdrawal of the above amount. It has been pointed out by the Accountant General, Orissa, Bhubaneswar that there are certain missing credits and even though the missing credits were intimated to the applicant from time to time through these Accounts Slips, the applicant did not make any step to make the missing credit up-to-date. This was taken up in the Office of A.G. and after all the missing amounts were credited the amount at the credit of the applicant stood at Rs.1,05,887.00. Naturally all these took some time. The normal procedure is that the Account Slips are annually sent to the subscribers indicating their missing credits, if any. It is for the subscriber to take up the matter with the Accountant General Office and to intimate the voucher number by which the relevant deductions have been made. Apparently, the applicant has not done this duty in his service career and it is in the A.G. Office, the matter was taken up to get the missing credits accounted for. This process has naturally taken some time and for this delay the applicant will not certainly be entitled to interest, more so, when the amount at his credit in his G.P.F. account has been more than doubled in this process of verification and adjustment and accounting for all the missing credited amount. It has also been submitted that the missing portion of Pt.I of the application was sent only on 28.11.1994. In consideration of this we hold that the applicant has not

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been able to make out a case for payment of interest on G.P.F. On the contrary, the applicant should have been grateful to the A.G. Office for taking step to credit the missing amounts to his credit.

As regards payment of interest on gratuity, in this case also time has been taken for obtaining No Due Certificate. It is no doubt true that the date of superannuation of the applicant was well in advance and ^{known} ^{steps} therefore, [^] ^{Sum} should have been taken earlier for obtaining No Due Certificate. But in this case we find that the applicant has retired on 30.9.1994 and the gratuity has been paid to him on 15.1.1995. The delay is not so long to allow payment of interest on this amount. This prayer is, therefore, rejected.

In consideration of the above, we hold that the applicant has not been able to make out a case for any of the relief prayed for by him. In view of this the O.A. is held to be without any merit and the same is rejected, but without any order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

B.K. SAHOO

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
2.1.99