

CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.31 OF 1998

Cuttack, this the 11th day of August 2000

T.Ramesh Patro ..... Applicant

Vrs.

Union of India and another ..... 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.

(G.NARASIMHAM)  
MEMBER (JUDICIAL)

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN  
18.2.2000

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CUTTACK BENCH, CUTTACK.

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**CORAM:**

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

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T.Ramesh Patro,  
s/o late T.Mrytyunjaya Patra,  
Retired A.P.M.(Accounts),  
Gandhinagar 4th Line,  
Berhampur (Gm)-760 001,  
Berhampur Town P.S. .... Applicant

Advocate for applicant - Mr.D.P.Dhalsamant

vers.

1. Union of India, represented through Chief Post Master General, Orissa Circle, Bhuabneswar-751 001.
  2. Deputy Director Accounts (Postal), Cuttack ..... Respondents.

Advocate for Respondents - Mr.Ashok Mohanty  
Sr.C.G.S.C.

ORDER

### SOMNATH SOM, VICE-CHAIRMAN

In this application under Section 19 of Administrative Tribunals Act, 1985, the petitioner has prayed for payment of Rs.3569.00 which, according to him, is payable to him in respect of his Provident Fund amount towards final withdrawal of Provident Fund.

2. The applicant retired on 31.1.1997 and his final withdrawal of Provident Fund was sanctioned in order dated 9.6.1997. This included interest upto end of

May 1997, i.e., for four months and payment was made on 12.6.1997 to him for an amount of Rs.97,332.00. According to the petitioner, the total amount due to him taking into account interest for four months from February to May 1997 comes to Rs.1,00,901/- and therefore, he has asked for the balance amount of Rs.3,569.00. In paragraph 4.3.1 of the O.A., the petitioner has given a calculation sheet showing the balance amount of Rs.3,569.00 which, according to him, is due to be paid to him.

3. The respondents in their counter have challenged the calculation. They have pointed out that the correct amount along with interest for the month of May 1997 only comes to Rs.97,332/- and this has been correctly paid to the applicant. The respondents have also pointed out that even though the petitioner retired on 31.1.1997 he submitted his application form for final withdrawal of Provident Fund only on 16.4.1997 and therefore, in terms of circular dated 5.8.1994 (Annexure-R/1) no interest is payable to him on the amount at his credit on the date of retirement for this period of delay, i.e., for February, March and April 1997. The respondents have pointed out that according to the circular, interest will accrue for non-payment of Provident Fund amount after one month from the date of submission of the application. In paragraph 10 of the counter the respondents have given their caslculation which works out to Rs.97,332/-, the amount paid to the applicant. In their detailed calculation the respondents have pointed out what, according to them, are the correct figures with regard to payment of interest. On the above grounds, they have opposed the prayer of the applicant.

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4. We have heard the learned counsel for both side and have also perused the records.

5. Shri D.P.Dhalsamant, the learned counsel for the petitioner, pointed out that according to Rule 34 of General Provident Fund (Central Services) Rules, 1960, the final GPF withdrawal form should have been supplied to the petitioner before his retirement, but this was not supplied. The applicant has filed an affidavit on 17.4.1998 saying that the final withdrawal form was not supplied to him by the departmental authorities. He collected the same from other source and submitted the application in March 1997 for final withdrawal to Senior Post Master, Berhampur (Ganjam). This was forwarded to Senior Superintendent of Post Offices, Berhampur, on 8.4.1997, who in turn forwarded the same to the Deputy Director of Accounts on 16.4.1997. In the affidavit, the applicant has stated that he is not at fault for delayed submission of the final withdrawal form.

6. As we have already noted, according to the applicant and also the respondents, the balance in the account of the applicant on 1.4.1996 was Rs.68,901/-.

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During the year 1996-97 subscription and refunds amounted to Rs.19,300/-, a figure which is admitted by both sides. On this admitted amount of Rs.88,201/-, according to the applicant, interest during the year was Rs.8,820/-. According to the respondents, this amount of interest is Rs.8167/-. This is an area of discrepancy between the parties. From the figure given by the applicant it is clear that on an amount of Rs. 88,201/- at 12% for ten

months from April 1996 to January 1997 he has worked out interest for ten months at 10% at the rate of 12% per year and has arrived at the figure of Rs.8820/-. It is obviously incorrect because according to his own submission, Rs.19,300/- was the amount of subscription and refund during the year from April 1996 to January 1997. Obviously, for amounts deposited during that year interest for 10 months will not be payable and therefore, the figure of Rs.8820/- indicated by the petitioner is obviously wrong and cannot be accepted.

7. The second question is regarding payment of interest from February 1997 to May 1997 which, according to the applicant, is Rs.3,880/- again taking the rate of interest at 12% and the amount represents 4% of Rs.97,021/- for four months from February 1997 to May 1997. The respondents have stated that interest from February 1997 to April 1997 is not payable and they have paid only interest for the month of May 1997 amounting to Rs.964/- according to the calculation given by the respondents in paragraph 10 of the counter. It has been submitted by the learned counsel for the applicant that as the final withdrawal form was not made available to him before his retirement, he was unable to submit the application in time and therefore, interest for this period of delay should not be denied to him. We are not impressed by the assertion of the applicant that he was unable to get the provident fund withdrawal form. We see from the application that the petitioner retired as Assistant Post Master (Accounts). Obviously, while he was in service, he was dealing with accounts matter and it would not have been difficult for him to get a final withdrawal form before his retirement. Rules no doubt

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provide for supplying the form to the retiring Government servant. But it is nowhere laid down that if form is not supplied the necessary consequence would be payment of interest for the period of delay in supplying the form. The applicant has himself stated that he collected the form from other source. He has not indicated from which source he got the form and why he could not get the form earlier than March 1997. The circular at Annexure-R/1 specifically provides that if there is delay in submission of the final withdrawal form no interest would be payable for the period of delay and for one month after the date of submission of the form. In view of this, we hold that the respondents have rightly held that interest is not payable for the period from February to April 1997.

8. There is a third area of controversy. According to the applicant, he submitted his application in March 1997 whereas the respondents have stated that his application was received on 16.4.1997. Here also we are not inclined to accept the applicant's version for the simple reason that while he is claiming interest for the period of delay counting it by days, in his application he has not mentioned specifically the date on which, according to him, he submitted the application. In view of this, it is not possible to hold that he submitted his application form in March 1997.

9. In consideration of all the above, we hold that the applicant has not been able to make out a case for the relief prayed for by him. The Original Application is, therefore, rejected but without any order as to costs.

(G.NARASIMHAM)

MEMBER (JUDICIAL)

Somnath Som  
(SOMNATH SOM)  
11.8.2010  
VICE-CHAIRMAN