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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 715/02

Cuttack, this the 12th day of February, 2004

Alekh Chandra Rath

Applicant

Vrs.

Union of India & Others

Respondent

FOR INSTRUCTIONS

(1) Whether it be referred to the Respondents or not? 75
(2) Whether it be circulated to all the Benches of the Central
Administrative Tribunal or not? 76


(B.N. SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.715/02

Cuttack, this the 12th day of February, 2004

CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN

Alekh Chandra Rath, aged about 62 years, S/o-Late Maheswar Rath, Retired Assistant Provident Fund Commissioner, resident of Vill/Po-Gandarpur, Via-Barzanga, Dist-Khurda.

..... Applicant.

By the Advocate(s) M/s K.C. Kanungo
S. Behera,
R.N.Singh.
B.D.Das

-Vrs-

1. Central Provident Fund Commissioner, Hudco Bishala-14, Bhikaji Cama Place, New Delhi-66.
2. Regional Provident Fund Commissioner, Orissa, Bhavishyanidhi Bhawan, Janpath, Unit-9, Bhubaneswar-7, Dist-Khurda.

By the advocate(s) Respondent(s)
..... M/s- Ashok Mohanty,
S.P. Nayak

ORDRE

SHRI B.N. SOM, VICE-CHAIRMAN: The applicant in this O.A., Shri Alekh Ch. Rath, ^{had} retired from service with effect from 31.08.2000. His grievance is that the Respondents have settled all his retirement dues excepting payment of accumulation in his General Provident Fund, the amount which was also payable to him on 31.08.2000. The said amount was actually paid to him on 01.08.01. It is also his grievance that he was not

(Signature)

paid any interest for the period from 1st September, 2000 to 31.07.2001 during which period this amount remained with the Respondents. The applicant has, therefore, filed this O.A. seeking relief to the extent that the Respondent should pay him interest for the period from 01.09.2000 to 31.07.2001 for the delay in payment, the cost of the application and any other relief as deemed fit and proper in the matter by the Tribunal.

2. The Respondents have admitted that there was delay in disbursement of Provident Fund accumulation but they have stoutly denied that they are in any way responsible for the delay. On the other hand, the delay, according to them, was caused due to the fault on the part of the applicant. They have, therefore, submitted that his claim for interest on the accumulated amount of GPF is not tenable either in fact or in law. Referring to the provisions of GPF (CS) Rules 1960 they have pointed out that it is incumbent on the retiring employee to make an application claiming payment of the amount and thereafter it becomes the responsibility of the Accounts Officer to make payment. In this case no application whatsoever was made by the applicant to disburse the amount. They have further submitted that as per Rules the pre-closing statement for his GPF amount was sent to him ten weeks prior to the date of

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retirement. They have also pointed out that the applicant himself has admitted that he had not made any application for withdrawal of his GPF amount before retirement. On this technical ground the Respondents have stated that they have no liability to pay interest on GPF accumulation of the applicant from 01.09.2000 to 31.07.2001.

3. The applicant by filing a rejoinder has reiterated that it is incumbent on the part of the Respondents to inform a retiring employee 10 weeks in advance by furnishing a pre-closing statement to GPF amount to enable him to apply for withdrawal of the amount. But he was neither provided with any pre-closing statement in-terms of Government of India, Department of Personnel and Training O.M. No.20(3)-P-PW/22-E dt.05.08.96 nor was he asked to apply for withdrawal in the prescribed form. He further submitted that the pre-closing statement which the Respondents had issued to him (Annexure-A to the counter) relate to the accounting year 2000-01 issued after March, 2001 where as the applicant retired from service on 31.08.2000.

4. I have heard the Ld. Counsel for both the sides and have also perused the records placed before me. The Ld. Counsel for the applicant has repeatedly drawn my notice to GPF (CS) Rules 1960 pointing out the

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lapses on the part of the Respondents in settling the GPF case of the applicant.

5. There is no dispute on the fact of the case that the GPF accumulation amounting to Rs.4,01635/- was paid to the applicant not on 31.08.2000 but on 01.08.01. There is also no dispute that the Respondents have paid a sum of Rs.2758/- towards the interest for delay of 24 days, that is, for the period after expiry of one month from the date of submission of application by the applicant. From the submissions made by both the parties it is clear that the Respondents had not carried out the procedure for closing of the GPF account of the applicant on superannuation strictly in-terms of Department of Personal and Training letter dated 05.08.96. It also appears that the applicant was never counseled or called upon to submit formal application for withdrawal when they settled his other retirement dues. While it is a fact that the applicant had delayed submission of his application in the prescribed printed form for withdrawal of GPF amount from his account, the lapse on his part was purely technical in nature. On the other hand, his contribution to his GPF amount had remained with the Govt. as part of government's public borrowings and for that the Respondents are legally bound to pay interest on annual basis. In view of these facts and circumstances of the case, I see no reason for denying the

benefit of interest on the GPF accumulation of the applicant from the period from 01.09.2000 to 31.07.2001, during which period this amount had remained in GPF as part of the public borrowing of the Govt. I, therefore, direct the Respondents to calculate the interest on the amount standing at the credit of the applicant in his GPF amount during the period 01.09.2000 to 31.07.2001 at the then prevailing rate of interest payable to GPF subscribers less the amount of Rs.2758/- already paid to him. Accordingly this O.A succeeds. No costs.



B.N. SOM
VICE-CHAIRMAN

CAT/CTC
Kalpeswar