

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH: :CALCUTTA

ORIGINAL APPLICATION NO. 1140/96

FRIDAY, THE NINETEENTH DAY OF MAY, 2000

SHRI S.K. GHOSAL. .. MEMBER (A)
SHRI P.C. KANNAN. .. MEMBER (J)

Shri Sandip Kumar Basu,
S/o late Tejendra Kumar Basu,
Ex-Programme Executive,
All India Radio, Agartala,
residing at 1/25, Naskarpara Lane,
Dhakuria, Calcutta-700 031. ... Applicant

By Advocate Shri M.K. Bandyopadhyay .

Vs.

1. Union of India through the
Secretary to the Government of India,
Ministry of Information and
Broadcasting, Shastri Bhawan,
New Delhi-110 001.
2. Chief Controller of Accounts,
Ministry of Information and
Broadcasting, 'H' Block, Cannught Circus,
Tropical Building,
New Delhi-110 001.
3. Direcetor General,
All India Radio, Akashbani Bhawan,
Parliament Street, New Delhi-110 001.
4. Pay and Accounts Officer,
Ministry of Information and Broadcasting,
All India Radio, Eden Gardens,
Calcutta-700 001.
5. Station Director,
All India Radio,
Government of India,
Agartala-799 001.
6. Shri Jagadish,
Ex-Administrative Officer,
Office of the Director,
Government of India,
National Channel, All India Radio,
Jawaharlal Nehru Stadium,
New Delhi. ... Respondents

Counsel Mr. K. Banerjee.

O R D E R

Shri S.K. Ghosal.

... Member (A)

The applicant while working as a Programme Executive, after his transfer from AIR Calcutta, at AIR, Agartala tendered his resignation, while on leave, from Calcutta on 1.7.1992. It is admitted that on receipt of his letter of resignation, some processing had to be done and that the applicant was asked to submit charge relinquishment report by the Respondent No.5 i.e. the Station Director, All India Radio (AIR), Government of India, Agartala, by his OM dated 2.3.93. The applicant submitted the requisite charge relinquishment report on 20.3.93. Thereafter, the applicant was advised to submit the prescribed forms duly filled-in for final payment of GPF, CGEGIS, amounts in August, 1994. It is specifically admitted by the respondents that the applicant submitted the requisite form in that month itself i.e. in August, 1994. It is further admitted by the respondents that there was departmental delay for the payment of GPF amount for the period from September, 94 to 2.12.95. That statement is found in paragraph 4 of the reply filed on behalf of the respondents. The applicant similarly had not denied that after November 95 he refused to sign the pre-receipted statement for the reason that the amount, for which he was asked to sign, was found by him to be lower than what he had claimed to be his due. The amount thus being disputed by the applicant, he did not sign the

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pre-receipted statement immediately. In the meanwhile, a lawyer's notice dated 20.6.95 was sent on his behalf to the 5th respondent and in response to the lawyer's notice, the Programme Executive on behalf of the Station Director, AIR, Agartala, sent a reply to the lawyer stating that the application for final payment of GPF and bill of insurance of savings fund has ²⁹ been forwarded to PAO, AIR, Calcutta for settlement of payment under intimation to the applicant. That reply is dated 29.7.95 and is seen at Annexure A10 of the OA.

2. The applicant filed the present OA on 17.9.96 claiming the following reliefs:-

- a) "For an order directing the respondents to pay the applicant Interest on the G.P.F. and CGEGIS from the date of his resignation till the date of final payment.
- b) For a declaration that payment of Rs.40,611.00 by demand draft dated 21st March, 1996 and CGEGIS to the tune of Rs.4,025.00 by Demand Draft dated 9th April, 1996 are not final payment as the applicant has not been paid due Interest to which he is lawfully entitled.

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- c) For an order directing the respondents to pay the applicant Interest on his GPF & CGEGIS @ 18% per annum from the date of his resignation i.e. 11th July, 1992 till final payment of those amount are made to the applicant.
- d) For costs of and incidental to this application."

3. The applicant has, under an interim order passed by the Bench, accepted the amount which had been calculated earlier by the respondent as due to him on account of the GPC and CGEGIS. His surviving claim is essentially for the payment of interest on the amount of GPF beyond 11th July, 92 after which date amount to his credit in the GPF account has not been allowed interest ⁴² and on CGEGIS ²⁹.

4. It is well established that in the case of resignation submitted by a serving Government employee, normally a period of 3 months will be allowed to the Department in order to take a decision on the acceptance or otherwise of the resignation letter. It has been admitted by the respondents here that the applicant had submitted his resignation on 11.7.92, which letter of resignation was received by the respondents on 15.7.92. While granting that some verification regarding his leave entitlement etc., was necessary, it is difficult for us to

29

understand as to why all the formalities could not have been completed within the prescribed period of 3 months. It is admitted by the respondents further that only on 1.3.93, the 5th respondent asked the applicant to submit the charge relinquishment report. Again we fail to appreciate how from 15.7.92, the respondents needed time till 1.3.93 only for asking the applicant to send the charge relinquishment report. Since no reason is forthcoming for the delay from 15.7.92 to 1.3.93, i.e. clearly well beyond the period of 3 months counted from 15.7.92 in this regard, that delay cannot be attributed to the applicant and the consequences of that delay cannot be made to visit the applicant.

4. The next important development in the case, as specifically admitted by the respondents, is that the applicant was asked to send the requisite form for claiming the GPF and CGEGIS amount only in August, 1994 and that the applicant submitted them, duly filled, in the said month i.e. August, 1994. It is, therefore, obvious that no delay on this score can be held against the applicant. In the matter of filling in and submitting the duly filled-in application for the final payment of GPF and CGEGIS amounts, the delay can thus be attributed only to the respondents.

5. As we have already observed the respondents have specifically admitted further that between September 94

and 2.11.95 the delay that occurred was entirely due to certain bonafide reasons and that it occurred on the part of the respondents. Whatever may be the so-called ~~bonafide~~^{bonafide} reasons in taking the required actions it is evident that the applicant had no part in that delay. We therefore hold that the applicant cannot be made to suffer the consequences of that delay.

6. In the light of the facts and circumstances that are admitted on both sides, it is obvious to us that the delay beyond three months from the date of receipt of letter of resignation submitted by the applicant till the beginning of November, 95 was entirely attributable to the respondents. In this connection a reasonable amount of time for the respondents to make necessary checks and verification, including the records of service pertaining to the applicant, was doubtless required. However, as we have already observed normally a period of three months in respect of resignation is allowed to a Government department for making those checks and verification with reference to the service records of an official of the government. No material has been placed before us to indicate why the normal period of three months was not found adequate for completing the requisite formalities in the present case.

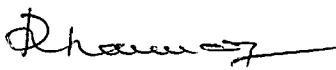
7. We notice that the rules regulating final payment of the GPF, the General Provident Fund (Central Services)

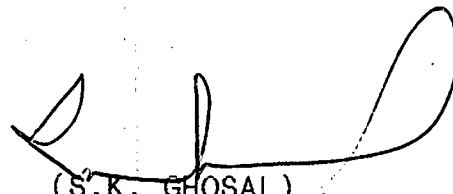
Rules 1960, do not authorise the Government department^A to take more than what is strictly necessary for the purpose of verification of service records. On the contrary, there are general instructions, issued by the Department of Pension and Public Welfare dated 15.2.87, found on page 29 of Swamy's Compilation of GPF Rules 23rd edition, 1999, on avoidance of delay and payment of interest in the event of undue delay. These instructions of the Department of Pension and Public Welfare i.e. the nodal Department in the Government of India, clearly state that "interest is to be allowed when there is no delay on the part of the subscriber, but payment is delayed due to administrative reasons".

8. As we have already discussed above, the delay, beyond 3 months from 15.7.92, till 2.11.95, was entirely attributable to the respondents. That delay, it has been contended on their behalf, took place for various administrative reasons. In our considered view, in this situation, the order of the Department of Pension and Public Welfare, cited by us above is directly attracted ^{and becomes} applicable. We, therefore, have no hesitation in holding that the applicant was eligible for interest on the amount in his GPF account for the period commencing three months after 15.7.92 till 2.11.95. We further direct that interest at 12%, which would have accrued ordinarily in his GPF account, shall be paid by the respondents to the applicant for that period.

9. Similarly, the respondents themselves are the custodians of the accounts pertaining to the CGEGIS amount. The delay for the period mentioned by us above should not have occurred even in respect of the CGEGIS amount. Even if the respondents had to take up verification and for that and similar administrative reasons the excessive delay did take place, the fact remains that for no fault on his part the applicant has been denied the payment of the amount, which is admitted by the respondents to be Rs.4025/-, in time, i.e. within three months from the date of receipt of his letter of resignation on 15.7.92. We, therefore, direct that even on this account for the period commencing after three months from 15.7.92 till 2.11.95 the applicant is eligible for interest at the rate of 12% and that the respondents shall pay him that amount as interest.

10. We thus allow the OA in part. The above directions shall be carried out by the respondents within a period of three months from the date of receipt of copy of this order. No costs.


(P.C. KANNAN)
MEMBER (J)


(S.K. GHOSAL)
MEMBER (A)