

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

CPC 55 OF 1998 (oa 1463/96)

Present : Hon'ble Mr. Justice S.N.Mallick, Vice-Chairman
Hon'ble Mr. B. P. Singh, Administrative Member

Smt. Bina Devi,
W/o Late Laxmi Narayan,
R/o 16, Gouripada Mukherjee Lane,
P.S. & Dist. Howrah.

VS

1. Sri S. Ramanathan,
General Manager,
E. Rly. Fairlie Place,
17, N.S. Road, Calcutta-1
2. Sri R. Vatash,
Chief Works Manager, E.Rly.
Liluah Workshop,
P.O. Liluah, Howrah.

For the petitioner : Mr. P.C. Das, Counsel

For the respondents : Mr. P.K.Arora, Counsel

Heard on : 17.9.99 : Order on : 17.9.99

ORDER

S.N.Mallick, V.C.:

In this contempt petition, the petitioner's grievance is that the respondents have not complied with the order of this Tribunal passed in OA 1463/96 on 15.1.98. The direction given in the said order was as follows :-

" Accordingly, the application is allowed in part but no order as to costs. Respondents, particularly, the respondent No. 2 are/is directed to ascertain the provident fund dues of the late Laxmi Narayan, the husband of the petitioner and to release the same to the petitioner on proper authority and according to rules within 8 weeks from the date of communication of this order."

2. When this contempt application came up for hearing on 16.4.99, it was submitted by Mr. P.C.Das, the ld. counsel for the petitioner that during the pendency of this contempt petition, the petitioner

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received an order dated 27.8.98 from the respondent authorities along with a cheque of Rs. 540/- towards the provident fund dues of the deceased employee, the husband of the present petitioner.


3. This position was admitted by the respondent authorities. However, we directed the ld. counsel appearing for the respondents to produce the connected departmental records. Such records have been produced. Admittedly, the husband of the petitioner while in service was removed from service on 22.9.59. Mr. P.K.Arora, the ld. counsel for the respondent authorities has produced before us the Provident Fund Register for the year 1962-63 which records an entry of Rs. 540/- with a break up of Rs. 59/- as compulsory deposit and Rs. 481/- as balance accumulation against the name of the husband of the petitioner. The same entry was also recorded in the P.F. Register for the year 1998-2000. It is submitted by Mr. Arora that as the petitioner's husband was removed from service w.e.f. 22.9.59, there was no question of accrual of interest on the said sum. Mr. Das has, however, submitted that as the provident fund money was not released to the petitioner's husband during his life time or to the present petitioner and was detained in the custody of the respondents for so many years, the petitioner is entitled to get interest on the said amount.

4. In our opinion, in this contempt petition no such relief can be granted. The said amount has been released on the basis of the Tribunal's aforesaid order dt. 15.1.98. We find from the OA that although the petitioner prayed for 18% interest on the service benefit of her late husband, the Tribunal while disposing of the OA did not grant any interest as will be evident from the order of the Tribunal quoted above. It only directed the respondents to release the PF dues according to rules. It is the specific submission of Mr. Arora that

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as the petitioner's husband was dismissed from service, no interest is payable on the PF dues of the employee concerned according to rules.

5. Admittedly the provident fund dues of the petitioner's late husband was paid on 27.8.98. There was admittedly some delay on the part of the respondent authorities to make such payment as the order of the Tribunal was to release such dues within eight weeks. However, considering the submission made on behalf of the ld. counsel for both parties and after going through the records, we are not convinced that there was any deliberate violation of the Tribunal's order. Under such circumstances, we do not find any sufficient material to proceed for contempt against the respondents. The contempt petition is dismissed and the proceeding is dropped. However, we make it clear that the petitioner will be at liberty to file a fresh application claiming interest on such delayed payment of PF dues, if not otherwise barred.


MEMBER(A)


VICE CHAIRMAN

jrc