

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.487/2003.

Wednesday this the 25th day of June 2003.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

K.B.B.Nair, 'Krishna Vilas',
Iringole P.O., Perumbavoor. Applicant

(By Advocate M/s Santhosh & Rajan)

vs.

1. Union of India represented by the Secretary, Ministry of Shipping, New Delhi.
2. The Director, Department of Light Houses & Light Ships, Chennai.
3. The Director, Department of Light Houses & Light Ships, 'Deep Bhavan', Gandhi Nagar, Kadavanthra, Kochi-20.

(By Advocate Shri George Joseph, ACGSC(R.1-3)

The application having been heard on 25th June 2003, the Tribunal on the same day delivered the following:

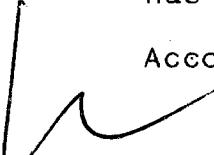
ORDER

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant was working as Head Light Keeper in the Ministry of Shipping, Department of Light Houses and Light Ships. He was suspended from service from 23.3.1994 to 25.12.1997 on a criminal charge and removed from service from 26.12.1997. During his tenure in service he is entitled for amounts towards GPF, subsistence allowance and House Rent Allowance etc. In spite of the repeated requests to the concerned authorities, no action has been taken. Aggrieved by the nonfeasance on the part of the respondents the applicant has filed this O.A. seeking the following reliefs:

- i. to direct the respondents to disburse the amount due to him in various items like GPF, subsistence allowance, HRA, Security allowance, C.G.E.I.S. etc.
- ii. to direct the authorities to pay 18% interest to the entire amount due to him;
and
- iii. grant such other further reliefs as this Hon'ble Tribunal may deem just, fit and proper in the facts and circumstances of the case.

2. When the O.A. came up for hearing, Shri T.A Rajan learned counsel appeared for the applicant and Shri George Joseph, learned ACGSC appeared for the respondents. The 3rd respondent has filed a reply statement in which it is stated that the subsistence allowance for the period from 1.12.1997 to 25.12.1997 is being drawn and paid. Regarding HRA, the applicant while in service at Vypin Light House, he was allotted rent free furnished accommodation, and he was not in receipt of HRA. On suspension he has vacated the quarter and proceeded to his home town at Ernakulam District itself. In view of the above, no HRA was paid to him during the period of suspension. It is stated that in the light of his representation for getting HRA, the matter has been referred to the higher authorities viz., the Director General, Department of Lighthouses and Lightships, Noida, the Pay and Accounts Officer, Lighthouse and Lightships, Noida and on receipt of the decision from the Director General, action will be initiated. Regarding the rate of rebate of 2 1/2% interest in respect of House Building Advance it has been referred to the Director General, Department of Lighthouse and Lightships, Noida and final approval or otherwise is awaited from him. On receipt of the same balance amount of interest will be paid to the applicant. Regarding final payment of GPF to the applicant, he has furnished the proforma for releasing the same. The Pay & Accounts Officer, Lighthouse and Lightships Noida, has been

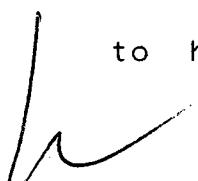


requested to intimate the balance amount available in the GPF A/c of the applicant. On receipt of the figure, bill will be prepared and sent to the Pay & Accounts for the settlement of final payment. It is further submitted that the security deposit amount of Rs.500/- which is lying in the Post Office shall be released on recovery of dues from the applicant such as recovery of interest of House Building Advance etc. Regarding the Central Government Employees Group Insurance Scheme, the amount of Rs.8800/- was drawn and sent to the applicant on 25.3.2003. and it is submitted that there is no merit in the O.A. since the O.A. is premature.

3. Learned counsel for the applicant submitted that the applicant was removed from service from 26.12.1997 and he finds it difficult to meet both ends and eversince he is living economically in a very difficult situation. Therefore, there may be an order to release these amounts forthwith. Learned counsel for the respondents submitted that the respondents have given due consideration and are taking steps to disburse the eligible amount to the applicant.

4. In the reply statement filed on behalf of the 3rd respondent it has come out that certain amounts are due to the applicant. It is a sorry state of affairs that even after six years of his removal from service, these amounts have not been finally disbursed to him.

5. Therefore, this Court directs the 3rd respondent to take a decision in these matters forthwith quantifying the amounts due to him on various counts and pass appropriate orders and



communicate the same in finalization of the accounts in all counts of his service benefits and pay the eligible amounts to the applicant as expeditiously as possible in any case, within a period of three months from the date of receipt of a copy of this order.

6. At this juncture learned counsel for the applicant submitted that he is entitled to get interest @18% p.a. on such amounts. The applicant will not be entitled for interest in all counts except GPF & HRA. Considering the delay in the matter and the statutory provision, this Court is of the view that the applicant is entitled to get interest for the entire balance amount of GPF from the date of its due and HRA from 24.9.01 (1st representation) at the present market rate in the Banks and treasury deposits. This Court directs 10% interest to the applicant on the above amounts.

7. O.A. is disposed of as above. No order as to costs.

Dated the 25th June, 2003.



K.V.SACHIDANANDAN
JUDICIAL MEMBER

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