

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 73/93 ~~1993~~

DATE OF DECISION 21-4-93

Shri PC Varghese Applicant (s)

Shri ND Joy Advocate for the Applicant (s)

Versus

Union of India (Secretary,  
Min. of Defence) & 2 others. Respondent (s)

Shri PA Mohamed, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP Mukerji - Vice Chairman

&

The Hon'ble Mr. AV Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

## JUDGEMENT

(Hon'ble Shri SP Mukerji, VC)

In this application dated 13.1.1993, the applicant who retired from the Military Engineering Service on 31.5.1992 has prayed that the respondents may be directed to make payment of Rs.52,411/- along with 18% interest with effect from 1.3.1992 towards final settlement of his GP Fund. He has argued that in accordance with the statement of account at Annexure A1, the balance as on 8.3.1992 was Rs.52,411/-. On 16.7.1992, however, the respondent No.3 issued a cheque of that date for Rs.51,288/- to the applicant's bank at Cochin without any explanation

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why the amount shown in the statement at Annexure A1 was reduced. The State Bank of Travancore, Perumanoor, on which the aforesaid cheque was drawn, dishonoured the cheque on the ground that there was no such account with them. The applicant's bankers, i.e. the Union Bank of India, Thevara, returned the cheque to the applicant with the refusal of the State Bank of Travancore. Thereafter, on 29.7.1992, the applicant represented to the respondent No.3 about the matter and the applicant's bankers also vide Annexure A6 brought the refusal to his notice. Despite several representations and reminders, there was no response for 7 months after his retirement. The applicant is claiming penal interest at the rate of 18% for the delay.

2. Despite several adjournments, the respondents did not file any reply to the Original Application. On 17.2.1993, the learned counsel for the respondents submitted that a fresh cheque for Rs.51,288/- was being sent to the applicant through his bank. On 18.2.1993, the learned counsel for the respondents submitted that he will file a detailed statement indicating the reasons for the deficiency of about rupees one thousand and denial of interest for  $11\frac{1}{2}$  months at 12%. But no statement has so far been filed.

3. In the circumstances, we allow the application with the direction to the respondent No.2 to make full payment of Rs.52,411/- to the applicant with 12% interest for <sup>the first</sup> three months after the applicant superannuated on 31.5.1992, i.e. upto 31.8.1992 and 18% interest from 1.9.1992 to the date of actual payment. The amount already paid to the applicant shall be adjusted <sup>appropriately</sup> against his entitlement as above.

4. There will be no order as to costs.

( AV HARIDASAN )  
JUDICIAL MEMBER

( SP MUKERJI )  
VICE CHAIRMAN