

Central Administrative Tribunal, Circuit Bench,

Lucknow.

Registration (O.A. No. 212 of 1990 (L))



Swaroop Narain Sinha ... Petitioner

Vs.

Union of India & others ... Respondents

Hon'ble Mr. D.K. Agrawal, JM

Hon'ble Mr. K. Obayya, AM

J U D G M E N T

(Delivered by Hon'ble DK Agrawal, JM)

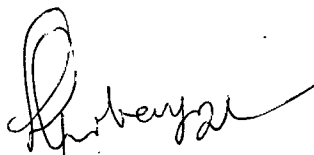
This application under Section 19 of the Administrative Tribunals Act, 1985, involves a very short question as to the recovery of Rs. 1755/- + interest thereon from the applicant, who is a retired employee of the Postal Department. The allegation in para 2 of the counter affidavit filed on behalf of the opposite party no. 3 is to the effect that the applicant made withdrawal of Rs. 1440/- and Rs. 315/- in July 1975 and February 1976 respectively which was not accounted for in his GPF accounts. The mistake was discovered later on. Therefore, recovery was issued against the applicant. The amount was not paid with the result that the interest also accrued thereon. Now the claim of the department is for a sum of Rs. 4,132/- as on 1-5-1990. The applicant in para 16 of his main petition has expressed his willingness to pay the principal sum of Rs. 1755/- (Rs. 1440 + Rs. 315/-). Thus, the only controversy is regarding the interest which has accrued on the said sum of Rs. 1755/-. We are of the opinion that since the applicant has already

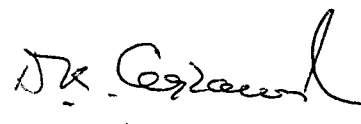
DK Agrawal



retired, it may entail hardship, if he is made to pay interest as well. Even assuming that the applicant declined to pay Rs. 1755/- at the relevant time, still we do not consider it equitable to hold him responsible for the payment of interest. Consequently we hereby order that the applicant shall pay Rs. 1755/- within a period of 30 days from the date of this judgment failing which the opposite parties shall recover this amount from his retiral dues.

Parties will bear their own costs.


(A.M.)


(J.M.)

Dated : Lucknow
August 30, 1990.

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