

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA No. 454 of 2006

Date of order : 7th November, 2007

CORAM

Hon'ble Mr. Amit Kushari, Member[Admn.]

Maheshwari Singh son of late Ram Lakhan Singh, Inspector of Police, C.B.I. [Retired] resident of village – Hemja, P.S. - Maranchi, District – Patna.

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Applicant

Vrs.

1. The Union of India through the Director, Central Bureau of Investigation, Special Police Establishment, Lodi Complex, New Delhi.
2. The Pay and Accounts Officer, Pay and Accounts Office, Central Bureau of Investigation, 1st Floor, A-Wing, AGCR Building, New Delhi – 2.
3. The Sr. Accounts Officer, Pay and Accounts Office, Central Bureau of Investigation, 1st Floor, A- Wing, AGCR Building, New Delhi -2
4. The Superintendent of Police, CBI, AHD, Patna.

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Respondents

Counsel for the applicant : Shri M.N.Rai

Counsel for the respondents : Shri M.D.Dwivedi, ASC

ORDER (ORAL).

By Amit Kushari, Member [A] : -

Shri M.N.Rai, ld. counsel argued on behalf of the applicant and Shri

M.D. Dwivedi, ld. ASC argued for the respondents. Their arguments were heard and the pleadings were perused carefully.

2. The applicant retired from service on 31.7.2004 but received his G.P.F. payment about nine months later in April, 2005. The applicant claims that his G.P.F. Payment of Rs. 9,47,000/- should have been paid with interest up to April, 2005. The respondents have paid him interest only up to July, 2004. There is a gap of about nine months and the applicant says that he should have been paid interest for these nine months also.

3. The ld. counsel for the respondents points out that the applicant had submitted Form 'A' and 'B' much later. The applicant should have submitted Form 'A' one year before the date of retirement and Form 'B' should have submitted three months prior to the date of retirement as per rules. It is because of this delay, the payment of GPF was delayed and the applicant himself is to be blamed for this delay. Therefore, the respondents should not be asked to pay interest for this nine months period.

4. Shri M.N.Rai, ld. counsel for the applicant points out that even if there has been some delay on the part of the applicant, this amount of Rs. 9,47,000/- was lying in the bank account of the respondents for the aforesaid period of nine months and they surely would have earned interest on that amount. Therefore, the respondents should pass on the interest to the

genuine owner of this amount. The ld. counsel for the respondents submits that this amount was lying in an ordinary savings bank account of CBI and if the respondents are directed to pay 8 per cent interest on this amount for no fault of theirs then it would cause financial loss to the respondents.

5. I have considered the arguments of both sides carefully. There could be no doubt that this amount was lying in the savings bank account of the respondents and they have earned interest on this amount. I do think that it is proper on their part that interest they have earned for these nine months and further for the period of litigation should be paid to the applicant who is the genuine owner. I, therefore, direct the respondents to pay interest on the GPF amount @ five per cent for this period of nine months and also for the period of litigation till today and this amount should be paid to the applicant within a period of two months from the date of receipt of this order. If this amount is not paid within two months of the date of receipt of this order then further penal interest @ nine per cent will accrue for the period of further delay.

6. With these directions, this O.A. stands disposed of. No costs.


[Anil Kushari]M[A]