

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT Sittings AT NAGPUR.

Original Application No. 262 of 1987

Shri P.V.S.Murty,
Shyam Vihar, Vijayanagar Colony,
Chaoni,
Nagpur-440 013.

.. Applicant

v/s.

1. Secretary,
Central Board of Direct Taxes,
Ministry of Finance,
Central Secretariate,
North Block,
New Delhi.
2. Secretary,
Dept., of Public Grievances,
Pension and Pensioners' Welfare,
Ministry of Home Affairs,
6th floor, Nirvachan Bhavan,
Ashoka Road,
New Delhi.
3. Controller General of Accounts,
Dept., of Expenditure,
Ministry of Finance, 7th floor,
Lok Nayak Bhavan,
Khan Market,
New Delhi.

.. Respondents

Coram: Hon'ble Member(J), Shri M.B.Mujumdar
Hon'ble Member(A), Shri P.S.Chaudhuri

Appearance:

1. Shri G.P.Hardas
Advocate
for the applicant.
2. Miss N.R.Sarin,
Advocate
for the respondents.

ORAL JUDGMENT:-

Dated: 31.10.1988

(PER: Shri M.B.Mujumdar, Member(J))

The applicant Shri P.V.S.Murty retired as
Income-tax Officer on the forenoon of 30th June, 1979.

Contd...2/-

One

from Raipur in Madhya Pradesh. He has filed the present application under Section 19 of the Administrative Tribunals Act, 1985 for getting interest on delayed payments of amounts due to him towards Provident Fund and Death-cum-retirement-Gratuity.

2. We heard Mr.G.P. Hardas, learned advocate for the applicant and Miss N.R. Sarin, learned advocate for the respondents.

3. The respondents have raised the point of jurisdiction. Rule 6 of the Central Administrative Tribunal (Procedure) Rules, ^{reads} 1987/ as under:-

"... The application shall ordinarily be filed by the applicant with the Registrar of the Bench within whose jurisdiction:

- (i) the applicant is posted for the time being, or
- (ii) the cause of action has arisen, or
- (iii) the respondents or any of the respondents against whom relief is sought, ordinarily resides.

Provided that the application may be filed with the Registrar of the Principal Bench and, subject to section 25 of the Act; such application may be transmitted to be heard and disposed of by the Bench which has jurisdiction over the matter."

4. Mr.Hardas contended that this case falls under clauses (i) and (ii) of the above Rule. But in our opinion clause (i) will not apply to the applicant because he was not posted as such at Nagpur. However, the applicant's claim pertains to interest on principal sums which were paid to him at Nagpur. Hence we hold that the cause of action, at least partly, has arisen at Nagpur, that is, within the jurisdiction of the New Bombay Bench of the Tribunal.

5. The respondents have also raised the question of limitation. But we find that the applicant was continuously making representation for paying him interest. Finally the respondents had offered some interest on some amount to him by letter dated 6.7.1987. The applicant did not accept that interest because the rate of interest was low and because the present application was pending. In view of the amount of interest offered by the respondents, we find no substance in the point of limitation raised by the respondents.

6. The applicant contended that an amount of Rs.15,638/- was due to him towards D.C.R.G. and that he should be given interest on that amount. But we find that after making some deduction he was paid only Rs.11,589.60 towards D.C.R.G. on 22.10.1980. It is not his case before us that the deduction was wrongly made. Hence we hold that an amount of Rs.11,589.60 only was due to him towards D.C.R.G. at the time of his retirement and he is entitled to interest on that amount only.

7. From what is stated before us we find that this amount of Rs.11,589.60 was paid to the applicant on 22.10.1980. He should have been given this amount immediately after expiry period of two months after his retirement i.e. on 1.9.1979. Hence relying on the judgment of the Supreme Court in the State of Kerala v/s. Padmanabhan Nair, A.I.R. 1985 SC 356 (referred to on page 5 of the application) we hold that the applicant is entitled to interest at 12% per annum from 1.9.1979 to 21.10.1980 on that amount of Rs.11,589.60.

8. As far as amounts due against Provident Fund is concerned, according to the applicant he was contributing Rs.300/- per month towards Provident Fund from January 1976

to August, 1977. Thus, he contributed Rs.6,000/- during that period. He was given that amount of Rs.6,000/- but according to him he was not paid interest on that amount. But we find that the amount towards Provident Fund for these months was deducted from the arrears of salary which were paid him on 11.12.1979. Hence, he will not be entitled to interest on the amount from January, 1976 onwards because in fact the amount was not contributed during these months.

9. We, therefore, direct that the respondents shall pay to the applicant interest at the rate of 12% per annum on Rs.11,589.60 from 1.9.1979 to 21.10.1980 within four months from the date of receipt of a copy of this order. Parties to bear their own costs.



(P.S. CHAUDHURI)
Member(A)



(M.B. MUJUMDAR)
Member(J)