

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 731/2001

MONDAY the 9th day of SEPTEMBER 2002

CORAM: Hon'ble Shri S.L.Jain, Member (J)

Smt. S.A. Rajguru
Residing at Plot No.37,
Datta Nagar Co. Operative
Housing Society,
Wadgaonsheri, Pune.Applicant.

By Advocate Shri S.S. Karkera.

v/s

1. The Union of India through
The Secretary,
Central Board of Direct Taxes,
New Delhi.
2. The Chief Commissioner of
Income Tax,
12, Sadhu Vaswani Road, Pune.
3. The Director of Income Tax (Inv.)
12, Sadhu Vaswani Road, Pune.
4. The Zonal Accounts Officer,
Principal Chief Controller of
Accounts, Central Board of
Direct Taxes, Zonal Accounts
Office, Praptikar Saadan,
60/61, Erandewane, Pune.Respondents.

By Advocate Shri V.G. Rege.

ORDER (ORAL)

{Per: S.L. Jain, Member (J)}

This is an application under Section 19 of the
Administrative Tribunals Act 1985 to quash and set aside the
impugned order dated 11.7.2001 Annexure A with a direction to the
respondents to pay interest of Rs. 41,926/- alongwith cost.

S.L.J.

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2. Vide order dated 5.12.2000 - Exhibit I (OA.page 24) the applicant stands retired from service with effect from 12.4.2000. This order is with retrospective effect.

3. The applicant as per her application dated 18.4.2001 which was received by the respondents on 30.4.2001 applied for GPF final payment. The learned counsel for the applicant relied on Rule 7 of GPF (CS) Rules 1960 and argued that for GPF amount no ^{application} is necessary. He relied on instruction and the decision of the Government of India vide GI MF OM No. 18(7) E-V(B) 65 Part IX dated 27.7.1966 and on the other hand the learned counsel for the respondents relied on Rule 34 of the same. In view of Government of India , Department of Pension and PW Notification No. 20(12)/94 - P & PW (E) dated 15.11.1996 Rule 32 as well as Rule 34 has been ^{application} amended by deleting the word 'on receipt of written ^{application}' Thus there is no necessity for the applicant to apply for GPF withdrawal.

4. As the applicant stands retired from service with effect ^{entitled} from 12.4.2000 vide order dated 5.12.2000, she is entitled to get the GPF deposit lying in her account as on 5.12.2000. The respondents have detailed out the process of the application and passing of the order which took the time upto 23.5.2001 and the amount was paid on 2.6.2001.

PSW/-

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5. The OA. was filed on 5.10.2001. Vide order dated 7.3.2002 the applicant was paid interest from 1.5.2000 to 20.4.2001. The interest has not been paid for the month of May 2001, as the interest is payable till the last day of the month. The learned counsel for the respondents stated that their job is only to issue cheque and not to see thereafter when the cheque is encashed.

6. The applicant claimed the GPF in the month of December 2000, but they failed to pay the interest which has already become due and was paid Rs. 28,347/-.

7. In my considered opinion, the applicant is entitled to cost amounting to Rs.1000/- payable by the respondents. In the result, OA. is disposed of with the direction to respondents to pay to the applicant Rs.1000/- within one month from the date of receipt of copy of the order.

SLJ
(S.L.JAIN)
MEMBER (J)

NS/mrj.