

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No.....91..... of 1998.

DATE OF DECISION.....5-4-2000.....

Shri Montoo Chandra Paul ----- PETITIONER(S)

Sri M.Singh, Smt.G.Singh, Sri H.K.Das and ----- ADVOCATE FOR THE
----- Smt. N.D.Goswami. PETITIONER(S)

-VERSUS-

Union of India & Ors. ----- RESPONDENT(S)

Sri B.S.Basumatary, Addl.C.G.S.C. ----- ADVOCATE FOR THE
----- CENTRAL ADMINISTRATIVE TRIBUNAL RESPONDENT(S)
GUWAHATI BENCH

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.
O.A.No..... of

THE HON'BLE

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ? ----- PETITIONER(S)
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.

[Signature]
RESPONDENT (S) 5/4/2000

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE O.A.No..... of

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 91 of 1998.

Date of Order : This the 5th Day of April, 2000.

The Hon'ble Mr G.L.Sanglyine, Administrative Member.

Shri Montoo Chandra Paul,
C.K.Das Road,
P.O. Tezpur, Pin - 784001.
Dist. Sonitpur (Assam)

. . . Applicant.

By Advocate S/Shri M.Singh, Smt. G.Singh,
H.K.Das and Smt. N.D.Goswami.

- Versus -

1. Union of India,
represented by the Secretary
to the Govt. of India,
Ministry of Defence, New Delhi.
2. Controller of Defence Accounts,
New Delhi.
3. Military Engineering Service,
Army Head Quarters,
Kashmir House, DHQ, P.O. New Delhi-110011.
4. Joint Controller,
Defence Accounts(Funds),
Meerat Cantonment, Uttar Pradesh.
5. Controller of Defence Accounts (Audit)
Patna.
6. Commander Works Engineer,
Military Engineering Service,
Tezpur.
7. Garrison Engineer,
Military Engineering Service,
Tezpur.

. . . Respondents.

By Advocate Sri B.S.Basumatary, Addl.C.G.S.C.,

ORDER

G.L.SANGLYINE, ADMN.MEMBER,

K

The applicant retired as an Office Superintendent in the office of Commander Works Engineer, Tezpur on 30.4.1995. The dispute in this Original Application relates to payment of amount at his credit in his General Provident Fund(GPF for short) Account and interest thereon. Heard learned counsel Mr M.Singh for the applicant and learned Addl. C.G.S.C Mr B.S.Basumatary for the respondents.

2. The competent authority of the respondents did not direct the applicant one year in advance to submit in the prescribed forms with instruction that they should be returned to him duly completed within a period of one month from the date of receipt of the forms by the subscriber. The subscriber, namely the applicant, also did not submit the application immediately after the last fund deduction was made from the pay bill of the month ended 31.1.1995. The reason why he did not submit the application, according to the applicant, is that there were discrepancies in his GPF Account which the competent authority of the respondents failed to settle the accounts even after several correspondences were made. The discrepancies are stated to be due to the advances of Rs.950/- and Rs.1000/- withdrew by the applicant from his GPF Account No. 160136 vide Voucher No. 475 of 3/75 and Voucher No.377 of 5/76. Since there was no application received from the applicant, the respondents did not pay any amount standing at the credit of the GPF Account of the applicant. Therefore the applicant submitted this Original Application praying that the respondents may be directed to pay the amount standing in his account with interest @ 12% per annum which stood at Rs. 1,41,979/- as on March 1998 and also interest for the future period. Consequent to the interim order dated 15.5.1998 the respondents paid the undisputed balance in his GPF Account. The questions that remain therefore were payment of the disputed sum of Rs.1950/- and interest thereon and also payment of interest on the undisputed balance. The respondents by letter dated 2.9.1999 had stated that they have agreed to pay the disputed amount of Rs.1950/- including up to date interest for Rs.4430/- and the applicant was directed to

submit the application form for final settlement of GPF. Mr B.S.Basumatary, learned Addl.C.G.S.C submitted that this amount has since been enhanced. Therefore this question is also settled subject however to ascertaining by the applicant regarding the correctness of the amount payable to him on this account. The applicant may therefore, submit the application as directed as soon as he is able to do so and the respondents shall immediately pay the amount payable according to them to the applicant. Thus this question stands disposed of.

3. The remaining question is whether interest is liable to be paid to the applicant on the ^{un-}disputed balance which was not paid to him immediately after his date of retirement but was paid to him after the interim order dated 15.5.1998. As already stated above, the applicant did not submit the form one year or thereabout before his retirement as the competent authority did not ask him to do so. Further, the applicant also did not submit an application immediately after 31.1.1995 when deduction on account of contribution to GPF Account was stopped. According to rules, namely, Note below Rule 11(4) of General Provident Fund (CS) Rules :

"Note.-Payment of interest on the Fund balance beyond a period of 6 months may be authorised by-

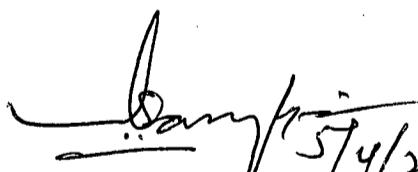
(a) the Head of Accounts Office (which expression includes the Pay and Accounts Officer, where there is one) up to a period of one year; and

(b) the immediate superior to the Head of Accounts Office (which expression includes a Controller of Accounts, where there is one or the Financial Adviser to the concerned Administrative Ministry or Department) up to any period;

after he has personally satisfied himself that the delay in payment was occasioned by circumstances beyond the control of the subscriber or the person to whom such payment was to be made, and in every such case the administrative delay involved in the matter shall be fully investigated and action, if any required, taken."

From the Annexures to this Original Application it appears that the applicant had not approached the competent authority of the respondents to allow him interest on delayed payment of the undisputed amount and the competent authority did not yet have occasion to consider and satisfy himself whether the delay in the payment was occasioned by circumstances beyond the control of the subscriber or for any administrative reason or because of the delay on the part of the subscriber himself. In view of this I direct the applicant to submit a representation to the authority concerned praying for payment of interest on the undisputed balance at the credit of his GPF Account within one month from the date of receipt of this order giving details and reasons. On receipt of the representation the competent authority of the respondents shall communicate to the applicant a speaking order containing reasons and details within one month from the date of receipt of the representation. The applicant will be at liberty to approach this Tribunal, if he is still aggrieved with the order of the respondents.

The application is disposed of. No order as to costs.


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER
5/4/2000