

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT BILASPUR

Original Application No. 30 of 2005

Bilaspur, this the 9th day of March, 2006

Hon'ble Shri Justice B. Panigrahi, Chairman
Hon'ble Shri Shankar Prasad, Administrative Member

Surjit Singh Bhatia,
3/231, Raja Talab, Raipur
(CG) 492 001.

... Applicant

(Applicant in person)

V e r s u s

1. Union of India, through
Secretary to the Government
of India, Ministry of Water
Resources, Shram Shakti Bhawan,
New Delhi - 110001.
2. The Secretary, Central Water
Commission, Sewa Bhawan,
R.K. Puram, New Delhi - 110001.
3. The Controller of Accounts,
Ministry of Water Resources,
E-Block, Shastri Bhawan,
New Delhi - 110001.
4. The Pay and Accounts Officer
Central Water Commission,
Sewa Bhawan, 7th Floor,
R.K. Puram, New Delhi - 110006.
5. The Executive Engineer,
Central Water Commission,
Planning and Investigation
Division, NH-V, Faridabad
(Haryana) ... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R

By Shankar Prasad, Administrative Member -

By this ~~On~~ the applicant has sought for a direction to the respondents for payment of a sum of Rs. 38,157/- which according to the applicant is the balance of GPF amount payable to him together with 18% interest from 1998 onwards. He has also sought for exemplary cost of Rs. 10,000/- in the peculiar facts and circumstances of the case.

2. The factual position has been summed up in the order dated 16th July, 2004 passed in OA No. 1124 of 2000 by this applicant in the following words :

"6. We find that the applicant was appointed as Draughtsman Grade-II in the Mana Camp in 1965. When the Mana Camp was closed, the applicant was declared surplus and was redeployed with the Central Water Commission through Department of Personnel & Training. The applicant has been transferred from Investigation Division, Central Water Commission, Raipur to Tiparimukh Investigation Circle, Shillong (Assam) vide order dated 21.11.1980. He did not join there and, therefore, the services of the applicant were terminated under Rule 5(1) *ibid*. The contention of the learned counsel for the applicant that the applicant was working in permanent capacity and his services could not have been terminated under the CCS (TS) Rules, 1965, as he was declared quasi-permanent, is not tenable as this issue has already been decided by the Tribunal in the earlier OA 77/86 filed by the applicant and the SLP filed against the said order has been dismissed by the Hon'ble Supreme Court vide order dated 21.11.1988....."

3. The grievance of the applicant is that the GPF withdrawal form was forwarded to the applicant only on 25.3.1989 (Annexure A-2). The annual statement of GPF balance for the year ending 1989-90 forwarded with PAO's letter dated 4.12.1990 had made it clear that the balance upto March 84 amount is shown up to Rs. 4,655/- with interest and upto date balance will be worked out at the time of final payment (Annexure A-4 and Annexure A-5). The amount was actually paid to him vide demand draft dated 30.1.1992. The Pay and Accounts Office while forwarding the aforesaid Draft had stated as under :

"Please refer to your letter No. 75/01/92/1016-17 dt. 9.3.92 on the subject cited above. In this regard, it is stated that GPF interest was allowed upto 12/84, as admissible under GPF rules i.e. upto six months after date of termination.

The concerned official therefore be asked to accept the D.D. and may represent any grievances, to enable this office to put up the same to higher authority for consideration and orders as per merits of the case." *AM*

The grievance of the applicant is that the interest has not been properly computed. He had sought for the payment of this amount also in the earlier round of litigation but as multiple reliefs had been claimed therein, he has preferred this OA.

4. The respondents in their reply have stated that the matter has been examined and on reconsideration the demand draft amounting to Rs. 1,077/- on account of interest on GPF for 28 months from September, 1989 (the month next to the date of submitting his application) to December, 1991 (the month prior to settlement of his case) was sent to Shri Bhatia on 5.5.2005, but Shri Bhatia refused to accept it and the same has been deposited with the Pay and Accounts Office, CWC, New Delhi.

5. We have heard learned counsel for the respondents and applicant who appeared in person.

6. The learned counsel for the applicant has drawn our attention to the decision of Cuttack Bench of the Central Administrative Tribunal in the case of Rajkishore Das Vs. Union of India & Ors., 1988 (8) ATC 741.

6.1 The applicant therein had retired on superannuation on 31.12.1985. He had applied on 11.12.1985 for payment of the amount standing to his credit in his GPF account but the claim was finally settled on 27.3.1987. He has demanded interest till the date of payment. The respondents on the other hand had contended that he was not entitled to any interest beyond the six months period as he did not apply for release of the amount standing to his credit one year before his retirement as required under Rule 34(3)(i) of the GPF Rules.

6.2 The Tribunal after considering the rule position came

to the conclusion that if this delay in demand was occasioned by circumstances beyond the control of the subscriber the head of accounts office or his immediate superior may authorise payment of interest beyond six months. The Tribunal also directed payment of interest within three months of passing of the order.

7. The para 2 of the DOP&T OM dated 5.8.1994 regarding interest on final payment of GPF on retirement/quitting of service provides as under :

"2. To ensure speedy settlement of final payment of GPF, the office of the Controller General of Accounts have amended Rule 176 of the Central Government Account (Receipts and Payments) Rules, 1983, dispensing with the requirement of issue of authority, as required under Rule 34(3) of the GPF (CS) Rules and instead, it has been laid down that the Pay and Accounts Officer shall issue a "pre-closing Statement of Accounts" not later than 10 weeks in advance of the said event based on ledger card and other records maintained by him specifying therein the month up to which the deductions and payments effected and interest element are included, to the DDO under intimation to the subscriber. It has also been laid down by the CGA that the DDO shall prefer, irrespective of whether he has received the said pre-closing statement of account from Accounts Officer or not, a bill in form GAR-42 so as to reach the Accounts Officer one month in advance along with a calculation sheet indicating the manner in which the amount of final payment claimed has been arrived at. The bill then will be checked by the Accounts officer and passed for payment. This procedure has been designed to cut delay in the submission of bill by the DDO to the BAO."

8. Coming to the facts of this case it is noticed that the application has been made available to the applicant only in September, 1989. It is also seen that the Account slip for 1989-90 contains a categorical statement that interest will be updated before final payment. The forwarding letter of March, 1992 also shows that the applicant may be asked to accept the payment and that on receipt of representation the case will be put up to higher authorities for orders. This statement made have been made for the simple reason that the Pay and Accounts office is competent to pay interest only upto six months and the orders of next higher authority were required. 8

9. In view of what has been discussed above, we are of the view that the applicant was entitled to interest till date of tendering of the aforesaid amount. Once this position is accepted then it is clear that the total amount standing to the credit of the applicant was not paid to him by demand draft dated 30.1.1992, and only a part payment was made. This differential amount accordingly continues to be in the PF account of the applicant. He is accordingly entitled to interest on this amount from that date till this difference alongwith accrued interest is paid to the applicant.

9.1 We find nothing wrong in the applicant refusing to accept a part payment which is not in full satisfaction of the claim.

10. The OA succeeds and the respondents are directed to recompute the interest as directed above to make the payment of same within three months from the date of receipt of this order. In case the payment is not paid within the aforesaid period of three months then an interest on this amount at the rate of 9% per annum shall be payable for the period beyond this three months period. No costs.

Shankar Prasad
(Shankar Prasad)

Administrative Member

B. Panigrahi
(B. Panigrahi)
Chairman

पृष्ठांकन सं ओ/न्या..... जबलपुर, दि.....
परिविविधि वा/विविधि:-

"SA" (1) सदिय, १०० रुपये, जबलपुर
(2) आनंदनन्दन, १०० रुपये, जबलपुर
(3) प्रस्तुति, १०० रुपये, जबलपुर
(4) वारंगल, १०० रुपये, जबलपुर

सूचना एवं अनुसन्धान करने के लिए

S. Bhatia Raygarh
(Borivali)
S. D. Dhamadukar
BVR 2031

Farukh
27/3/06
16.3.06