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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 418 of 2004

Jabalpur, this the 27th day of August, 2004

Hon'ble Shri Madan Mohan, Judicial Member

H.K. Verma, S/o. Shri Saligram Verma, aged 63 years, Indian Forest Service, (Conservator of Forests Retd.) 220, Sector 'B', Shahpura, Bhopal (MP). ... Applicant

(By Advocate - Shri R.C. Tiwari)

V e r s u s

1. The Union of India, through the Secretary Environment and Forest, Government of India, CGO Complex, Lodhi Road, New Delhi.
2. State of Madhya Pradesh, Through the Secretary Forest Dept., Vallabh Bhawan, Bhopal (MP).
3. The Conservator of Forests, Chhnidwara (MP). ... Respondents

(By Advocate - Shri Om Namdeo)

O R D E R (Oral)

By filing this Original Application the applicant has claimed the following main relief :

"i. to issue a writ in the nature of Mandamus with directions to the respondents to make payment of the interest amount from 1.12.2000 to 21.5.2001 of Rs. 31000/- to the applicant."

2. The brief facts of the case are that the applicant retired from Government service on 30th July, 2000 as an officer of Indian Forest Service. The applicant was contributing the GPF subscription every month in his GPF account No. IFS(NMP) 326. There is no dispute that an amount of Rs. 5,11,745/- was the last balance at the credit of applicant on the date of his retirement on 30.11.2000. This amount was to be paid with interest to the applicant immediately after his retirement. The interest amount was to be calculated up to the actual date of payment as per the provisions of the All India Services



(Provident Fund Rules, 1955. The respondent No. 3 issued the bank draft dated 21.5.2001 (Annexure A-3) which shows that the interest has been calculated upto the date of retirement i.e. 30.11.2000. The applicant has been put to the loss of interest of about Rs. 31,000/- on the GPF amount to be calculated for the period from 1.12.2000 to 20.5.2001 i.e. for about 6 months. The applicant submitted representation but no action is taken by the respondents so far. Hence, this Original Application.

3. Heard the learned counsel for the parties and perused the records carefully.

4. It is argued by the applicant that according to the All India Services(Provident Fund) Rules, 1955, in its clause (4) it is mentioned that in addition to any amount to be paid under rules, 28, 29 or 30, interest thereon up to the end of the month preceding that in which the payment is made or up to the end of the sixth month after the month in which such amount became payable, whichever of these periods be less, shall be payable to the person to whom such amount is to be paid. The applicant is legally entitled for the relief claimed.

5. In reply, the learned counsel for the respondents argued that the respondents have gathered information of subscription amount of General Provident Fund from the Forest Division where the applicant was posted since April, 1965 to December, 1972 and on information of subscription received from various forest Division the authorities complied the information of subscription amount of applicant and the same was forwarded to the respondent No. 4. The respondents received the sanctioned amount of Rs. 5,11,745/- on 16.5.2001 and the



same was paid to the applicant through Demand Draft dated 21.5.2001. The respondents have not committed any intentional delay in the matter. They have to verify the amount of subscription from various Departments of the Forest Division where the applicant served. The applicant is not entitled to any interest on his GPF amount which is paid within due time.

6. After hearing the learned counsel for both the parties and on careful perusal of the records, I find that according to the All India Services (Provident Fund) Rules, 1955 the applicant is entitled for the amount of interest. The reasons as argued by the respondents for delay in making the payment does not seem to be justified as the applicant may serve in the Forest Department of various divisions but it was the duty of the respondents to verify the amount of subscription of the GPF of the applicant within the due time, i.e. before his retirement and pay him the GPF balance accordingly. Hence, I am of the view that the applicant is entitled for the interest. Accordingly, the Original Application is allowed and the respondents are directed to pay the interest on the GPF amount of the applicant from the date of his retirement to the actual date of payment of the GPF amount at the prevalent rates as prescribed in the GPF Rules. No costs.

(Madan Mohan)
Judicial Member

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