

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH**

OA No. 426/04

Jabalpur, this the 1 day of Feb. 2005

CO R A M

Hon'ble Mr.Madan Mohan, Judicial Member

K.P.Tiwari, IFS
S/o Shri R.S.Tiwari
Additional Chief Conservator of Forests (Retd.)
H-44-C, Apsara Complex, Indirapuram
Sector I, Bhopal (MP)

Applicant.

(By advocate Shri R.C.Tiwari)

Versus

1. Union of India through
The Secretary
Ministry of Environment and Forests
Govt. of India
CGO Complex, Lodhi Road
New Delhi.
2. State of Madhya Pradesh through
The Secretary
Forest Department
Vallabh Bhawan
Bhopal.
3. The Principal Chief Conservator of
Forests (M.P.)
Satpura Bhawan
Bhopal.
4. The Accountant General
M.P.Gwalior.

Respondents.

(By advocate Shri K.N.Pethia)

ORDER

By Madan Mohan, Judicial Member



By filing this OA, the applicant has claimed the following main relief:

(i) To direct the respondents to make payment of the amount of Rs.20064/- to the applicant with interest @ 24%.

2. The brief facts of the case are that the applicant, an officer of the IFS allotted to MP Cadre, was holding the post of Additional Principal Chief Conservator of Forests posted at Bhopal and retired on 31.10.2000 after attaining the age of superannuation. He was contributing to the GPF every month. An amount of Rs.698242/- was balance at the credit of the applicant on the date of his retirement. The amount was to be paid with interest to the applicant immediately after retirement. The interest was to be calculated up to the date of actual payment as per provisions of the All India Service Provident Fund Rules 1955. Respondent No.4 – Accountant General M.P. Gwalior was responsible for making payment of the PF amount and interest thereon. The aforesaid amount was paid to the applicant in 3 instalments after his retirement on different dates which are mentioned in para 4.3.of the OA. The copies of the payment orders issued by the Accountant General are marked as Annexures A1 to A3. The delay of 2 to 3 years in making payment of the PF amount is the administrative lapse for which applicant is not responsible. There is direction in Rule 9 of the PF Rules that if the payments are delayed due to administrative reasons for which the subscriber is not responsible, interest shall be paid up to the date of actual payment. Non-payment of interest on the aforesaid PF amount was challenged by the applicant by filing OA No.406/03 in which the Tribunal vide order dated 27.11.03 directed the applicant to submit a representation to the respondents and the respondents were directed to decide the matter on merit but the respondents rejected the representation vide impugned order dated 12.3.2004 (Annexure A8). Hence this OA is filed.

3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that the applicant is claiming only the interest on the delayed amount of GPF, which is apparently clear from Annexures A1 to



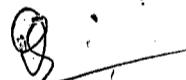
A3. The applicant retired on 31.10.2000 while the first payment was due after six months of his retirement i.e. on 26.4.2001 but the other two payments were actually made much after the prescribed period. The second instalment was paid on 26.7.02 and the third instalment was paid on 2.9.2003. Hence the applicant is entitled for the relief claimed as per the All India Service Provident Fund Rules, 1955 (Rule 9 Sub Rule 4). The applicant had also filed an OA in this regard and in compliance of the order of the Tribunal the applicant had submitted a representation but the respondents had rejected it vide impugned order dated 12.3.2004 (Annexure A8). The learned counsel for the applicant has drawn my attention to Annexure A4 – The All India Services (Provident Fund) Rules, 1955 – Rule 9 sub Rule (4).

4. In reply, the learned counsel for the respondents argued that in compliance of the order of the Tribunal dated 27.11.2003 passed in OA no.406/03, the claim of the applicant was duly considered and rejected in view of provision of rule 9(4). The said rule clearly lays down that payment of interest beyond retirement is restricted to six months or date of payment whichever is less. Therefore the applicant is not entitled to any more interest than already paid. Payment of interest beyond retirement to members of All India Services is being made strictly in accordance with provisions under rule 9(4) and the applicant has not been treated differently on this issue. The action of the respondents is legal and justified in passing the impugned order on the representation of the applicant.

5. After hearing the learned counsel for both parties and carefully perusing the records, I find that out of a total GPF amount of Rs.698242/-, the respondents have paid Rs.643784/- on 26.4.2001 i.e. within six months of his retirement but the respondents have paid the second instalment of Rs.43793/- on 26.7.2002 i.e. after more than one year and three months from the due date and subsequently the third instalment of Rs.10,666/- was paid on 2.9.2003 i.e much after the due date. In this

regard, the respondents have stated in their reply that there was some missing credit in the applicant's account, the adjustment of which led to authorization of the applicant's GPF amount in more than one instalments. Apparently, it seems to be a lapse or delay on the part of the respondents for which the applicant is not responsible at all. I have perused Rule 9 Sub Rule 4 of the aforesaid PF Rules (Annexure A4) also. The respondents have not paid the second and third instalments of the GPF amount to the applicant within due time as per the rules. The reason given on behalf of the respondents seems to be not sufficient and satisfactory. Hence the applicant is entitled for interest on the amount of second and third instalments of the GPF amount paid to the applicant after six months of his retirement at the prevalent rate of interest.

6. The OA is disposed of directing the respondents to pay interest on the second and third instalments of the GPF amount of the applicant to him within three months from the date of receipt of a copy of this order. No costs.


(Madan Mohan)
Judicial Member

aa.

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि अयोगित:—
 (1) सचिव, उच्च व्याधालय बार एसोसिएशन, जबलपुर
 (2) आकेदक श्री/श्रीमती/यु. के काउंसल
 (3) प्रत्यक्षी श्री/श्रीमती/यु. के काउंसल
 (4) अम्पाल, कोपाल, जलालाबाद ज्यायर्डीठ
 सूचना एवं आवश्यक कार्यकाली देतु

Shri R.C.Tiwari
Shri K.N.Dekha, J.L.C.B.P.
Shri P.N.Dubey

2-2-05
उप रजिस्ट्रार

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