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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.060/00530/2014

Chandigarh, this the 10th Day of April, 2015

**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

Sh. R.K. Sharma, Ex UDC, S/o Sh. Rattan Lal, age 62 years, presently resident of House No.BX V/253, Sunder Nagar, Dhangu Road, Pathankot.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Director General of Medical Services (Army)/DGMS-3 (B), 'L' Block, New Delhi-110001.
3. Controller of Defence Accounts (Funds), Meerut Cantt.
4. Commandant 167, Military Hospital, C/o 56 APO.

... Respondents

Present: Sh. D.R. Sharma, counsel for the applicant.

Sh. Deepak Agnihotri, counsel for the respondents.

ORDER

BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

"8 (i) Direction be issued to the respondents to release the balance amount of Rs.12,15,038/- including interest as is available to the Senior Citizens on the fixed deposits and

18 —

also to pay interest from 01.08.2012 to 12.02.2014 on the sum of Rs.8,46,450/- as well and further interest on the sum of Rs.12,15,038/- from 01.08.2012 till date of actual payment including cost of present litigation and compensation for mental agony and harassment caused to the applicant after serving the respondents for more than 40 years having unblemished record of service."

2. In the written statement filed on behalf of the respondents, the claim for relief as sought has not been denied. It has further been stated that Public Fund Account (Acc. No.10314471084) of respondent no.4 i.e. Commandant 167 MH was attached by the order of the Court of Additional Sessions Judge, Gurdaspur vide order No.5/1509659, dated 31.07.2012. As the GPF amount of Rs.20,61,448/- was credited into respondent no.4 Public Fund Account on 09.08.2012 and the account was attached w.e.f. 02.08.2012 and only crediting of amount was carried out by the bank no payment was made by the bank due to Court's order (Annexure R-2). The CDA sends the applicant's GPF fund into Public Fund Account of the Unit and not into applicant's account. With utmost efforts made by respondent no.4, a sum of Rs.17,55,538/- has been released by Principal Directorate of Defence Estates, Western Command out of which a sum of Rs.8,46,450/- as a proportionate share was paid to the applicant on 13.02.2014. Reminders have been sent periodically.

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3. Today learned counsel for the parties have been heard in the matter. Learned counsel for the applicant stated that for no fault of the applicant, he had been denied release of full amount of GPF due to him and he was facing continuing loss on this account. The applicant had retired from service on 31.07.2012 and more than 2½ years have elapsed while he has only been made part payment of Rs.8,46,450/- against the accrued amount of his GPF of Rs.20,61,488/-. Also no interest has been released to him by the respondents although there was much delay in the payment of even part amount due to the applicant.

4. Learned counsel for the respondents fairly submitted that the claim of the applicant was valid but due to the Public Fund Account of the respondent no.4 having been attached by order of Session Judge vide order dated 31.07.2012, full amount of the GPF has not yet been released to the applicant.

5. We are not convinced by the statement made by learned counsel for the respondents. The applicant who has retired on 31.07.2012 was entitled to get the amount accrued in his GPF account released immediately. Till date only part payment has been made. Hence the respondents are directed to release full amount as due to the applicant on account of his GPF within a period of two months from the

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date of a certified copy of this order being served upon the respondents. Interest admissible as per rules on account of delayed payment may also be paid up to the date of actual release of the amount due to the applicant.

6. The O.A. is disposed of with these directions.

B. A. Agarwal

Ms _____

(DR. BRAHM A. AGRAWAL)
MEMBER (J)

(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.
Dated: 10.04.2015.

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