

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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**O. A. No.63/100/2016
M.A. No.63/141/2018
M.A. No.63/454/2018**

Date of decision: 03.04.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

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Kishori Lal Sharma, aged 63 years S/o Late Sh. Sunder Singh Sharma, R/o House No.3882/12, Bikram Castle, Nahan Distt. Sirmour (HP).

... APPLICANT

VERSUS

1. Bharat Sanchar Nigam Limited, Corporate Office: Bharat Sanchar Bhawan, 4th Floor, Harish Chander Mathur Lane, Janpath, New Delhi.
2. The Chief General Manager, HP Telecom Circle, BSNL, Shimla.
3. The General Manager, Telecom, BSNL, Himunda Complex, Solan.
4. Controller of Communication Accounts, Block No.18-A, SDA Complex Kasumpati, Shimla.
5. Sub Divisional Officer (Area), BSNL, Nahan, Distt. Sirmaour (HP).

... RESPONDENTS

PRESENT: Sh. Shailendra Sharma, counsel for the applicant.
Sh. Rajiv Jivan, counsel for respondents No.1, 3 and 5.
Sh. Anshul Bansal, counsel for respondents No.2 and 4.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. On the commencement of hearing, learned counsel for the applicant submitted that he has submitted in para 5 of the additional affidavit (Page-128) that respondents have not paid amount of Rs.4836/- i.e.

contribution of employer from July 2013 to October 2013 towards EPFO and also submitted that applicant is entitled for award of interest on delayed payment of GPF from 31.10.2013 till its actual payment i.e. 10.08.2015. With regard to Non Executive Promotion Policy (NEPP), he submitted that since respondents have not passed any order, therefore, they be directed to pass a reasoned and speaking order qua his claim for promotion.

2. Sh. Rajeev Jivan submitted that he will verify veracity of the statement whether benefit has been paid to the applicant or not and if amount of EPF has not been paid then the same will be released. With regard to claim of the applicant for grant of interest on delayed payment of GPF is concerned, he submitted that there is no provision to award interest.
3. We have heard learned counsel for the parties.
4. So far as claim of the applicant for award of interest on delayed payment of GPF is concerned, it is settled law of the land that if a person is deprived to utilize his amount for the fault of the department/respondents, then they are liable to pay interest as held in the case of **Associated Cement Co. Ltd vs Commercial Tax Officer, Kota & Ors.**, AIR 1981 SC 1887. Admittedly, the applicant was entitled to payment of GPF on his retirement on 31.10.2013 but the same was paid to him on 10.08.2015. Therefore, respondents are liable to pay interest @ 6% from the date it became due till the same was released. With regard to claim of the applicant for grant of two increments under NEPP, respondents are directed to pass a reasoned and speaking order.

The respondents are directed to release amount of employers' contribution towards EPF from July 2013 to October 2013, if due to the applicant, within a period of six weeks from the date of receipt of a certified copy of this order.

5. The O.A. stands disposed of in the above terms. MAs also stand disposed of.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 03.04.2018.
Place: Chandigarh.

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