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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00651/2017

Tuesday, this the 16th day of April, 2019

CORAM:

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

Smt. Elizebeth Kurien,
Retd. Sub Divisional Engineer
(HR No.198009828),
Bharath Sanchar Nigam Ltd.,
residing at House No.42,
M.G.Nagar, Vazhavila,
Peroorkada, Trivandrum-05.Applicant

(By Advocate Mr.Sunil Jacob Jose)

V e r s u s

1. The Chief General Manager,
O/o Chief General Manager, Kerala Circle,
Bharath Sanchar Nigam Ltd.,
Thiruvanthapuram – 695033.

2. The Dy. General Manager (Finance,
Office of the Chief General Manager,
Kerala Circle, Bharath Sanchar Nigam Ltd.,
Thiruvananthapuram – 695 033.

3. The General Manager,
Telecom, BSNL, Thiruvalla,
Pathanamthitta District-689 101.

4. The Controller of Communication Accounts,
Department of Telecommunication,
Government of India, Kerala Circle,
5th Floor door Sanchar Bhavan, PMG Jn.,
Trivandrum – 695 033.Respondents

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(By Mr. M.Salim for Respondents-1to3 and Mr.Thomas Mathew Nellimoottil, SCGSC for Respondent-4.)

This application having been heard on 3rd April, 2019, the Tribunal on 16th April, 2019 delivered the following :

ORDER

OA No.651/2017 is filed by Smt. Elizebeth Kurien, Sub Divisional Engineer claiming that she is entitled to interest on delayed payment of her GPF. She maintains that the delay in disbursing to her the General Provident Fund, which she is entitled to, should fetch interest at the rate of 18% for the delay of 15 months, caused in making the payment.

2. The applicant who was working at Adoor as Sub Division Engineer in Pathanamthitta SSA under Respondents-1to3 was granted voluntary retirement on 06.10.2014. She had submitted all her retirement papers during the month of October, 2014 itself. As no disbursement was forthcoming from the GPF entitled to the applicant, she repeatedly made representations to the first respondent. A copy of one is available at Annexure A1. Only in the month of January, 2016 that is after 15 months of retirement the GPF Payment of Rs.11.4 lakhs was effected by the respondents.

3. The applicant maintains that the respondents did nothing despite her persistent appeals to disburse the funds which she was entitled to. A

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contention has been taken that this was due to an amount of Rs.431/- which had been drawn by her as excess and which had to be recovered. But it is understood that the amount was recovered from the applicant in 2014 itself but was not transferred to the 4th Respondent for incorporation in the ledger accounts. This is made known by the communication dated 18.03.2016 of the 4th Respondent (Annexure A3). Thus the delay in recovering Rs.431/- is not on account of any act of the applicant at all. At different times, different reasons have been advanced by the respondents for the delay. In Annexure A5, it has been mentioned that there has been some technical problem which caused the delay. The 3rd Respondent also attempts to shift the responsibility for the delay onto the shoulders of the applicant which is completely inadmissible in view of OM of the Ministry of Personnel, Public Grievances and Pension at Annexure A7. As per Rule 34 of GPF (CS) Rules, when an amount standing to the credit of a subscriber becomes payable, it shall be the duty of the concerned Accounts Officer to make the payment and the authority for the amount payable is to be issued at least a month before the date of superannuation, payable on the date of superannuation. This Rule has been roundly flouted by the respondents.

4. The respondents have filed a reply statement wherein various technical reasons have been advanced as having been the responsible for the delay. Materially, it is submitted that the required undertaking in the prescribed format was submitted by the applicant only on 28.11.2015 which is after her

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return from USA (Annexure R3(e)). The respondents maintain that there has been no indifference or negligence on their part and the delay has been solely on account of technical and procedural issues and also owing to the fact that the undertaking required was submitted by the applicant late.

5. The claim relating to the undertaking is hotly disputed by the applicant in the rejoinder filed, wherein a copy of the said undertaking has been provided clearly indicating that the same had been executed on 20.10.2014 (Annexure A8). Other contentions made in the OA have also been strongly reiterated by the applicant.

6. Heard Shri Sunil Jacob Jose for the applicant and Shri B.Raghunathan on behalf of the respondent BSNL. It is a settled position of law that retiral benefits including GPF are to be disbursed by the Government to its employees, and these constitute their valuable right. Any culpable delay in settlement of this is necessarily visited with penalty of interest. In the present case, the applicant had taken VRS with effect from 06.10.2014 and the final payment authority for GPF was issued only on 30.01.2016. All the reasons advanced by the respondents as explanation for the delay are not valid. So also the contention raised about the delay in executing the undertaking. Given the facts of the case, we have no hesitation in allowing the OA to the extent that she is eligible for interest at the rate of relevant GPF rate for the period from the date of retirement of the applicant to the

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date of disbursement of GPF sum. The orders in this regard are to be issued as expeditiously as possible and in any case within a month on receipt of a copy of this order. No costs.

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

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List of Annexures in O.A. No.180/00651/2017

1. **Annexure A1** – Photocopy of the representation dated 24/11/15 to the 1st respondent.
2. **Annexure A2** – Photocopy of the representation dated 21//1/16 of the applicant submitted to the 1st respondent.
3. **Annexure A3** – Photocopy of letter No.CCA/KRL/GPF/interest/2015-16/3201 dated 18/3/16 of the 4th respondent.
4. **Annexure A4** – Photocopy of letter No.CCA/KRL/GPF/Misc/TVLA/2015-16/5 dated 5/4/16 of the 4th respondent to the 2nd respondent.
5. **Annexure A5** – Photocopy of the letter dated 10/6/16 of the 2nd respondent along with the report of the 3rd respondent.
6. **Annexure A6** – Photocopy of the representation dated 21/4/16 of the applicant before the 1st respondent.
7. **Annexure A7** - Photocopy of OM dated 16/1/17 of Department of Pension & Pensioners Welfare.
8. **Annexure R3(a)** - True copy of the letter dated 8.1.2015 of the 3rd respondent.
9. **Annexure R3(b)** - True copy of the letter dated 11.2.2015 of the 4th respondent.
10. **Annexure R3(c)** - True copy of the letter dated 13.3.2015 of the 3rd respondent.
11. **Annexure R3(d)** - True copy of the letter dated 10.6.2015 of the 3rd respondent.
12. **Annexure R3(e)** - True copy of the undertaking dated 28.11.2015 submitted by the applicant.
13. **Annexure R3(f)** - True copy of the letter dated 28.11.2015 of the 3rd respondent.
14. **Annexure A8** - Photocopy of the bond executed by the applicant.
