

**CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench, New Delhi**

OA 2080/2017

Reserved on: 21.12.2018
Pronounced on : 28.12.2018

Hon'ble Ms. Praveen Mahajan, Member (A)

Ganesh Kumar Jain
Aged about 54 years
Group 'C'
(Dismissed UDC)
S/o Shri Mahender Singh Jain
R/o 1125, Laxmi Bai Nagar
New Delhi – 110 023.

... Applicant

(By Advocate: Shri Ajesh Luthra)

VERSUS

1. Govt. of NCT of Delhi
Through Chief Secretary
5th Floor, Delhi Sachivalaya
New Delhi.
2. Director General
NCC Department
Sultan Singh Building, Chabi Ganj
Kashmere Gate, Delhi – 110 006.
3. Deputy Controller of Accounts (Funds)
(GNCT of Delhi)
4th Floor, 'A' Wing, Vikas Bhawan
Civil Lines, Delhi – 110 054.
4. The Controller of Accounts
Principal Accounts Officer
(GNCT of Delhi)
Vikas Bhawan, Delhi.

... Respondents

(By Advocate: Shri Ankur Chhibar)

O R D E R

The current OA has been filed seeking the following reliefs :-

- "a) Quash and set aside the impugned order dated 12/05/2017 placed at Annexure A/1 and
- b) Direct the respondents to pay interest towards the GPF and Group Insurance for the period February 2016 till March 2017 i.e. the actual date of payments to the applicant @ 15% p.a.
- c) Accord all consequential benefits.
- d) Award costs of the proceedings; and
- e) Pass any order/relief/direction(s) as this Hon'ble Tribunal may deem fit and proper in the interests of justice in favour of the applicant."

2. The facts of the case in brief are that the applicant was working as Lower Division Clerk with the respondents w.e.f.12.03.1985. He was promoted to the post of Upper Division Clerk in the year 1997. Subsequently, the applicant was implicated in a criminal case under Section 7, 13 (1) (d) of POC Act, 1988. He was convicted and awarded a sentence of Rigorous Imprisonment for a period of two years with fine of Rs.5,000/- for offences punishable under Section 7 of POC Act, 1988. He was further sentenced to undergo RI for a period of two years and a fine of Rs.5,000/- for offence punishable under Section 13(2) r/w Sec.13 (1) (d) of POC Act, 1988 with both the sentences running concurrently. Consequently, the applicant was dismissed from service. His appeal against the conviction order is pending before the Hon'ble High Court of Delhi.

3. The applicants states that a dismissed employee is entitled for release of GPF amount immediately upon cessation of relationship with the employer. The respondents did not release the GPF amount, DGEIS (Group Insurance) of the applicant immediately, depriving the applicant of his only source of livelihood by the dismissal order of the respondents. The applicant represented to the respondents on 03.08.2016, for releasing his dues. This was followed by another representation dated 27.02.2017 after pursuing the matter in Pension Adalat.

4. Subsequently, the applicant was given his GPF amount of Rs.25,39,402/- on 27.03.2017 vide Cheque No.561238 dated 24.03.2017. The Group Insurance amount of Rs.39,320/- was also given to him on 25.03.2017 vide Cheque No.561279.

4.1. The applicant requested the respondents for interest on delayed payment of GPF vide his representation dated 18.04.2017. The respondents rejected the said representation vide impugned order dated 12.05.2017 stating that there is no liability of interest and while making the GPF payment and that interest has already been allowed as per GPF (CS) Rules, 1960 i.e. the month preceding the date of dismissal from service.

5. In their counter affidavit, the respondents have tried to explain delay by stating that the applicant himself had applied

late for withdrawal of GPF i.e. on 03.08.2016 and too, on advice of the respondents. The respondents submit that before finalising the GPF withdrawal, certain procedural formalities have to be completed, which took some time. Hence, after exchange of correspondence and clarification, the final sanction of GPF was submitted to GPF Cell on 17.03.2017. The final sanction was received by the concerned unit on 21.03.2017 and the payment through Cheque was made to the applicant on 24.03.2017. Hence no interest on the said amount is due from the respondents, as per rules.

6. I have gone through the facts carefully. It is not in dispute that the applicant was dismissed from service on 17.02.2016. This being an unexpected cessation of relationship between the employee and the employer, it is reasonable to assume that the respondents were taken unawares and were obviously not in a state of preparedness for this eventuality which is expected in the case of normal superannuation. Hence, they did require a reasonable amount of time to process the GPF payment/insurance claim of the applicant.

6.1 The order for dismissal from service in respect of the applicant was received by the respondents in February, 2016 following which they had written a letter to the AO NCC

department on 29.02.2016 for seeking necessary information regarding his dues etc. Procedural formalities, removal of some discrepancies etc. has been cited as the reason of delay in payment of the GPF & Insurance amount to the applicant. This not being a normal case of superannuation of an employee – when the date of retirement is known to the respondents in advance, some amount of delay was bound to take place to process the case of the applicant. However, this entire exercise should have been completed within a “reasonable” time frame. However, the respondents took almost 13 months to do so – which is not justifiable on any account.

7. The arguments advanced by the respondents to explain the delay in payment are not convincing. The delay in payment of GPF amount could have been bridged with some effort on part of the respondents. The applicant was dismissed on 17.02.2016 and three months time from then on can possibly be construed as a reasonable time, in which his case for GPF payment should have been processed by the respondents.

8. In view of the aforesaid, I direct the respondents to pay interest towards GPF and Group Insurance to the applicant w.e.f. June, 2016 till 17.03.2017, at GPF rates. This may be done

within three months from the date of receipt of a certified copy of this order. The OA is partially allowed. No costs.

(Praveen Mahajan)
Member (A)

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