

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. OA 350/01314/2015

Date of order : 13.1.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

ASHOK KR. GHOSAL

VS

UNION OF INDIA & ORS. (CPWD)

For the applicant : Mr.S.K.Dutta, counsel

For the respondents : Mr.P.Mukherjee, counsel

O R D E R

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. The applicant a retired Stenographer Grade I of CPWD is aggrieved as the respondents released the GPF money on 18.3.14 i.e. after a delay of two months and 18 days from the date of his retirement which was 31.1.14.

3. Ld. Counsel for the respondents tried to dispel the claim by citing General Provident Fund (CS) Rules on the following grounds :

The applicant had not submitted an application in the prescribed form in writing seeking final payment and so the delay was attributable to the subscriber (the applicant) in claiming the final payment, due to which no interest would be payable to the applicant.

4. Ld. Counsel for the applicant invited my attention to Annexure R/2 which clearly demonstrates that an application for final payment of balance in GPF amount was made by the applicant which was forwarded on 25.11.13 i.e. prior to his retirement to the Pay & Accounts Office (EZ) by the Superintending Engineer, Kolkata Central Division to CPWD. Therefore the contention of the respondents that no application was made is not substantiated. My attention is further invited to the Govt. of India's decision appended to Rule 34 of GPF (CS) Rules which lays down that,

"if payment may not be made within one month after the date of retirement, due to administrative difficulties or otherwise the subscriber is entitled to interest under Rule 11 on the expiry of the said one month from the second month onwards."

5. Ld. Counsel for the respondents submitted that since interest would have accrued after expiry of one month i.e. from February 2014, while making payment on 18.3.14, the respondents have already disbursed the amount with interest for one month.

6. At this juncture ld. Counsel for the applicant further invited my attention to the following :

"Payment order issued after the 15th to be made payable next month and full interest allowed for the month in which order is issued-

In C&AG's Circular Letter No. 317-NGE/580-33, dated the 9th March, 1934, it was clarified that while making final payment of GPF balance at out-stations, interest should be paid up to the end of the month preceding that of the date to be entered by the Accounts Officer in the authorization on or after which the Treasury Officer should make payment and not up to the end of the month preceding that in which the authorization is issued."

Therefore payments tendered on 18th i.e. post 15th would invite an interest of further one month.

7. I have heard ld. Counsels for the parties and perused the materials on record.

8. I have given my anxious consideration to the rules governing the situation.

9. In view of the admitted position that the interest amount was tendered after delay of 18 days from the date it became payable the respondents are to consider payment of further one month of interest on the basis of GIMF OM dated 18.5.68 and pass appropriate orders by one month from the date of communication of this order.

10. The OA is accordingly disposed of. No order is passed as to costs.

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(BIDISHA BANERJEE)
MEMBER (J)

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