

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 736 OF 2015

HEMANTA ORAON Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>11</u> 26.06.2018</p>	<p><i>For the Applicant : Mr. S. Ghosh, Learned Advocate.</i></p> <p><i>For the Respondents : Mr. G.P. Banerjee Mr. B.P. Roy, Learned Advocates.</i></p> <p><i>For A.G.(A&E), W.B.: Mr. B. Mitra, Departmental Representative.</i></p> <p style="text-align: center;"><i>The applicant has prayed for interest on delayed payment of the amount deposited in the General Provident Fund of the father of the applicant since deceased.</i></p> <p><i>One Banu Oraon died after his retirement from the post of Head Constable in the establishment of the respondent no. 3. The amount of General Provident Fund (in short G.P.F) could not be disbursed due to death of Banu Oraon on July 24, 2003. Banu Oraon died living behind his wife and the applicant as legal heirs. The respondent no. 3 gave intimation to the Accounts Officer of A.G., W.B. on January 16, 2004 for disbursement of amount of GPF to the tune Rs. 1,12,558/- along with non-drawal certificate and Form 10B being duly filled up. However, the wife of the deceased Government employee also died on May 08, 2004 and thereby the amount of GPF could not be disbursed in time. Ultimately the final</i></p>	

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payment of amount of Rs., 1,17, 202/- which includes admissible interest accrued on Rs. 1,12,558/-till March 2004 as reflected from the reply given by the respondent A.G., W.B.

On consideration of the materials on record, we find that the respondent no. 3 intimated the applicant on March 31, 2011 for filling up 10B Form for disbursement of the amount of GPF in favour of the applicant. No doubt, it is the duty of the respondent no. 3 to submit to the A.G., W.B legal heirship certificate of the deceased employee, non-drawal certificate in connection with the amount of GPF and the prescribed Form 10B being duly filled up by the legal heir of the deceased employee who is entitled to receive the amount of GPF. We do not find materials on record from which we can infer that the applicant duly filled up 10B Form and sent all relevant documents to the respondent no. 3 in response to letter dated March 31, 2011 issued by the respondent no. 3. On the other hand, no explanation is forthcoming from the respondent no. 3 as to why all relevant documents were not sent to A.G., W.B. during the period from March 2004 to March 31, 2011 and as such the applicant was not at fault for the in ordinate delay in payment of the amount of GPF till March 31, 2011. However, there is nothing on record to indicate that the applicant promptly responded to the letter dated March 31, 2011 issued by the

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respondent no. 3 and as such we are of the view that the delay which took place in payment of the amount of GPF after march 31, 2011 can be attributed to the conduct of the applicant. It is relevant to point out that the applicant has already received interest accrued on the final amount of GPF to the tune of Rs. 1,12,558/- up to March 04 as the total amount received by the applicant was Rs. 1,17,302/- . So the applicant is entitled to get interest on the amount of Rs. 1,17,302/- during the period from April 2004 to February 2011.

In view of our above findings, we direct the respondent no. 3, Superintendent of Police, Darjeeling to pay to the applicant interest on the amount of Rs. 1,17,302/- during the period of April 2004 to February 2011 and the interest will be calculated as per prevailing rate of interest accrued on the amount of GPF during the aforesaid period of time, within a period of 12 (twelve) weeks from the date of communication of the order.

With the above direction, the original application is disposed of.

Let a plain copy of the order be supplied to both parties.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S