

dues the learned court observed that it was not in dispute that the petitioner was paid the provident fund dues. However, the dispute is about the actual amount which was payable as according to the petitioner he was entitled to higher amount. In those circumstances, it was always open to the petitioner to raise claim of the balance amount subject to admissibility and whatever defences that would be available to the respondent in that behalf, including that of limitation. The review petition was disposed of in the aforesaid terms. Learned counsel for the petitioner submits that learned Principal Bench of C.A.T., while considering the claim of the petitioner made through O.A. No. 1040 of 1996 on pro rata pension and provident fund dues has inadvertently left out any liberty for the petitioner to raise the issue of payment of provident fund separately. That necessitated the clarification in the review order passed by the Hon'ble Delhi High Court. Thereafter, the O.A. No. 174 of 2012 (R) was preferred before the learned C.A.T, Patna Bench at Ranchi. The learned C.A.T. has wrongly quoted Clause 925 of the Railway Accounts Code while denying the claim as that does not apply to the case of petitioner since he neither quit the service nor died while in service. As such, interest on the amount standing at his credit in the provident fund should accrue till the date it was paid and if it has not been paid, till the date it is actually paid.

4. Learned counsel for the respondent Railways has opposed the prayer. He has submitted that claim of interest raised in the year 2012 is grossly belated when the provident fund dues were already paid to him vide cheque dated 22nd August, 1996 by the Railways. The order of the learned tribunal, therefore, need not be interfered.

5. Learned counsel for the petitioner submits that the applicant has now become more than 80 years old and the learned tribunal without considering the claim of the petitioner in proper perspective also imposed a cost of Rs. 1,000/- while dismissing the O.A.

6. Upon consideration of the rival pleadings of the parties in the canvass of facts and previous litigations between the parties noticed hereinabove, we do not find any perversity in the approach of the learned tribunal in refusing to entertain the claim for interest over

the provident fund amount after several years of the payment of the provident fund amount to the petitioner by the respondent Railways through cheque dated 22nd August, 1996. The learned Delhi High Court, while granting liberty to the petitioner to raise the claim for the balance amount, had also made it clear that such claim would be subject to its admissibility and whatever defences that would be available to the respondent in that behalf, including that of limitation. As such, we do not find any reason to interfere in the impugned order except to the extent of the cost of Rs.1000/- imposed upon the applicant.

7. The writ petition is disposed of by waving the cost imposed upon the petitioner.

(Aparesh Kumar Singh, J.)

(Deepak Roshan, J.)