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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on: 13.10.2023

\+ **W.P.(C) 2714/2019**

VANDANA KANWAR ..... Petitioner

versus

UNION OF INDIA & ANR. ..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Kunwar Karan, Mr. Vineet Trehan, Mr. Aditya Trehan and Mr. B. Jain, Advocates

For the Respondents: Mr. Vikrant N. Goyal, Mr. Jeet Chakrabarti and Mr. Nitin Mishra, Advocates for UOI

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA
HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks setting aside of letter dated 15.06.2018 whereby the request of the petitioner for payment of interest upon the General Provident Fund Contribution of the petitioner has been declined.

2. Petitioner had joined the Border Security Force as Assistant Sub-Inspector (Ministerial) on 20.10.1997. Petitioner was subsequently dismissed from service with effect from 12.11.2012. Order dated 12.11.2012 directed the release of all government dues to the petitioner, however, the GPF contribution of the petitioner was not released. Petitioner thereafter filed a petition before this Court being W.P. (C) No. 7666/2014. By order dated 26.03.2015, the penalty of

'dismissal' awarded to the petitioner was modified to 'removal from service'.

3. After protracted correspondence, the petitioner received GPF payment on 28.03.2018. It comprised of GPF contribution and interest component upto year 2012 only. She prayed for releasing interest component upto March, 2018 but her such request was rejected on 15.06.2018.

4. Petitioner in the aforesaid background, has filed the subject petition.

5. In the counter affidavit, respondents have, *inter-alia*, taken a plea that petitioner was required in terms of Rule 34 of the General Provident Fund (Central Services) Rules, 1960 to file a 'written application' demanding release of her GPF contribution and since petitioner had failed to file the application the amount was not released and once she filed the application on 05.04.2016, same was processed and the GPF contribution was received by the Unit on 21.03.2018 which was remitted to her on 26.03.2018.

6. Learned counsel for the petitioner submits that the requirement of a 'written application' which earlier existed in Rule 34 was deleted vide Notification dated 15.11.1996. He submits that after 15.11.1996 there is no requirement of moving an application and the amount standing to the credit of the subscriber had to be paid immediately on the termination of service.

7. Reference may be had to the sub-rule 1 of Rule 34 which reads as under:-

> *"34. Manner of payment of amount in the Fund*
>
> *(1) When the amount standing to the credit of a subscriber in the Fund becomes playable, it shall be the duty of the Account Officer to make payment [1][ ] as provided in sub-rule (3).*
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> *xxxx xxxx xxxx xxxx*
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> *1. The words "on receipt of a written application in this behalf" deleted vide G.I., Dept. of Pen. & P.W., Notification No. 20 (12)/94-P. & P.W., (E), dated the 15th November, 1996, published as S.O. No. 3228 in the Gazette of India, dated the 23rd November, 1996."*

8. We note that in the counter affidavit also, respondents have annexed the same rule.

9. Clearly, the deletion of the words 'on receipt of a written application in this behalf' being omitted by notification dated 15.11.1996 shows that there is no requirement of moving a written application for release of the amount. Therefore, the Accounts Officer had to make prompt payment of the amount standing to the credit of the subscriber.

10. In the instant case, petitioner, no doubt, was initially dismissed from service with effect from 13.11.2012 which dismissal was converted into an order of removal from service on 26.03.2015 but the payment was made to the petitioner only on 28.03.2018.

11. In all circumstances, whether the petitioner was dismissed from service or removed from service, petitioner is admittedly entitled to her contribution to the GPF. Since petitioner was terminated with effect from 13.11.2012, petitioner should have been promptly paid the retirement benefits, however, the same were not paid till 28.03.2018. Consequently, in terms of Rule 11 of the Rules which stipulates that petitioner should have been disbursed her contribution of GPF within six months of her termination of service, petitioner becomes entitled to interest on expiry of the period of six months.

12. Since the payment was delayed, respondents would be liable to pay interest to the petitioner for the delay in payment beyond the period of six months from the date of her termination from service.

13. Accordingly, petition is disposed of directing the respondents to pay interest @ 9% per annum with effect from expiry of six months from the date the amount was due till the amount was actually paid to the petitioner. Interest be computed and paid to the petitioner within a period of eight weeks from today.

14. Petition is disposed of in the above terms.

15. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

OCTOBER 13, 2023/'*rs*'

Signature Not Verified
Digitally Signed
By:RASHIM KAPOOR
Signing Date:20.10.2023
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