

2024:PHHC:147063



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CWP-3126-2023
Date of decision: 11.11.2024

Satyabir SinghPetitioner

Versus

Union of India and Ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Indresh Goel, Senior Panel Counsel, for the respondents.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the letter dated 28.12.2022, vide which the respondents have rejected the claim of the petitioner and withhold the interest amount accrued on his GPF amount and directing the respondents to release the interest amount of Rs.2,79,513/- which accrued on account of the delayed payment of GPF for the period of 29.02.2020 to 05.01.2021.

2. Resisting the claim raised in the present petition, the respondents filed reply, to which there was no rebuttal, relevant paras whereof read thus:

3. *That the case of Petitioner No. 811050274 Ex Inspr (GD) Satyabir Singh has been examined in detail and it is observed that Petitioner was enrolled in BSF on 20.07.1981 as Constable (GD) and remained posted in various BSF establishments and joined 75 Bn BSF on 27.06.2019 at Tura, (Meghalaya) consequent upon his permanent posting from 1044 BSF Artillery Regiment,*

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Baramulla (Kashmir). After joining 75 Bn BSF, he gave an application dated 15 Jan 2020, addressed to the Inspector General, BSF Meghalaya Frontier at Shillong for proceeding on Voluntary Retirement w.e.f. 29.02.2020. Whereas, as per CCS (Pension) Rule -48, the Govt. Servant shall give at least three months' notice before the date on which he wishes to retire. However, despite giving no specific reason by the Petitioner, his retirement was accepted before 90 days by the competent authority and petitioner proceeded on Vol. Retirement w.e.f. 29.02.2020.

4. As per existing guidelines, last three years of GPF statement is required to be sent to PAD BSF New Delhi alongwith the bill of GPF final payment of retiree. Since, the petitioner was recently posted from 1044 ARTY Regiment, Baramulla (Kashmir) and sought voluntary retirement w.e.f. 29.02.2020, therefore, in order to process the bill of GPF final payment of the retiree, 75 Bn asked for petitioner's GPF statement for the period from Jan' 2017 to May 2019 from 1044 BSF ARTY Regiment, Baramulla and the same was received by the Unit on 03.04.2020. Copy of 1044 ARTY Regiment Sig No. R/3604 dtd 03.04.2020 is annexed herewith as Annexure R-3. On receipt of last 03 years GPF statements, application form alongwith subscription & withdrawal statement for last 03 years in respect of petitioner was forwarded to Pay and Accounts Division (PAD), BSF, New Delhi vide 75 Bn BSF L/No. Acctt/GPF-FP/75 Bn/20/3543 dated 13.04.2020. (copy annexed herewith as Annexure R-4)

5. That whereas, COVID-19 pandemic had broken out due to which the entire country was completely locked down w.e.f. 25 Mar 2020 as a result of which most of the Offices of Govt. of India etc. remained closed and could not run smoothly for the year 2020 due to which PAD BSF received the above said letter of 75 Bn BSF which was deployed in North Eastern State of Meghalaya at Tura, on 21.09.2020, for preparing sanction order. Thereafter, GPF Payment Order in respect of the petitioner for Rs. 36,41,981/- (Rupees thirty six lakh forty one thousand nine hundred and eighty one) only was received by 75 Bn BSF on 02 Nov 2020 from PAD BSF New Delhi. After that 75 Bn BSF forwarded GPF final payment bill of the petitioner to PAD BSF, New Delhi vide 75 Bn BSF L/No. Acctt/GPF-FP/75 Bn/20/9387 dated 07 Nov 2020 which is annexed herewith as Annexure R- 5, when Unit was deployed in Tura, Meghalaya. The PAD BSF New Delhi received the bill on 08.12.2020 and passed the same on 16.12.2020 for releasing the payment. Subsequently, the final payment bill for Rs

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36,41,981/- (Rupees thirty six lakh forty one thousand nine hundred and eighty one) only was received by Unit on 05 Jan 2021 and further remitted to the petitioner on the same day. In reply to RTI application submitted by the petitioner, PAD BSF vide letter No. PAD/BSF/FUND-II/GPF/2022 dated 20.01.2022 (Copy annexed herewith as Annexure R-6) has already informed the petitioner that the GPF final bill payment was processed without any delay by PAD even during COVID-19 pandemic. GPF interest calculated/paid as per rules.

6. That whereas, all efforts were taken by Unit despite COVID-19 lockdown to process the GPF final payment bill of the petitioner and little delay occurred was due to circumstances beyond control because of COVID-19 pandemic. During such adverse situations arising out of COVID-19 pandemic and subsequent nationwide lockdown, the Govt. offices could not function in full swing and faced hindrance in the flow of work. Hence, the delay was not intentional but due to circumstances beyond one's control."

3. Since the explanation furnished by the respondents is justifiable, the present petition is hereby dismissed.

11.11.2024

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No