
(2010) 02 AHC CK 0022
In the Allahabad High Court
Case No : C.M.W.P. No. 20867 of 2003

Vijay Pal Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 10-02-2010

Acts Referred:

Citation : (2011) 1 AWC 645

Hon'ble Judges : Jayashree Tiwari, J;Devendra Pratap Singh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Jayashree Tiwari, J.—Heard learned Counsel for the parties.

2. The Petitioner has sought a mandate for payment of the interest amount for the delay in transfer from his old G.P.F. account to the new account.

3. The admitted facts are that the Petitioner was initially appointed as a Lecturer of English in M.P. College, Konch, district Jalaun on 24.10.1980. While working as such he was selected by the Higher Education Service Commission, Allahabad and appointed as Lecturer in English in D.S. College, Aligarh where he joined on 1.7.1996 after demitting office in his earlier college on 30.6.1996. On account of the aforesaid the Petitioner requested for transfer of his G.P.F. account from his earlier College to the D.S. College, Aligarh and the Director of Higher Education vide order dated 13.1.1998 issued the necessary orders to the District Inspector of Schools, Jalaun. In pursuance thereof, the G.P.F. amount was transferred to his new account No. 321 only on 10.2.1999. However, the interest of the intervening period was not added while transferring the aforesaid amount and on the representation of the Petitioner the Directorate passed another order on 21.6.1999 yet the accrued interest of Rs. 18,886.75 has not been added in his transferred G.P.F. account and thus this petition.

4. The stand taken by the Respondents in their counter-affidavit is that they have done their best but due to the delay involved in the procedure for transferring

the account, they cannot be held responsible.

5. Apparently, no lapse or negligence has been attributed to the Petitioner in the counter-affidavit filed on behalf of the State Respondents. It is also apparent that the delay is on the part of the State Respondents in transferring the account and therefore, the Petitioner cannot be penalized for the delay and as such he is entitled for addition of the interest on the principal amount without any gap of the intervening period and should also be entitled to recurring amount of interest which became due. It is settled principle of law that a person cannot be penalized or deprived of his legal due without attributing any commission or omission on his part. On his appointment as Lecturer in English at Aligarh the Petitioner immediately had informed the Authorities which took time in finalizing the transfer and therefore, the Petitioner is entitled to the relief claimed.

6. For the reasons above, this petition succeeds and is allowed and it is held that the Petitioner is entitled for his interest on the principal amount while it stood deposited in the treasury at Jalaun. He is also entitled to get the amount included in the principal amount without any intervening gap and also for recurring amount of interest which became due thereon. Accordingly, the Respondents are directed to add Rs. 18,886 along with pendente lite interest at the admissible rate and addition in the principal amount of G.P.F. at the prevailing rate of interest.

7. In the circumstances of the case, no order as to costs.