

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 1074/99

New Delhi this the 5th day of July, 2001

Hon'ble Shri V. K. Majotra, Member(A)  
Hon'ble Shri Shanker Raju, Member (J)

Chaudhry/Head Gardner Welfare Association  
of CPWD through its General Secretary  
Sh. Phool Singh  
s/o late Trikha  
r/o G-231, Srinivas Puri  
New Delhi.

.. Applicants

Versus

1. The Director General,  
Central Public Works Department  
Nirman Bhawan,  
New Delhi-110001.
2. Director Horticultural,  
Y-Shape Building, Indraprashta Bhawan,  
New Delhi.

-Respondents

(Present: None)

ORDER (Oral)

By Hon'ble Shri V.K. Majotra, Member (A)

This OA was dismissed twice in default on account of persistent absence of the applicants and their counsel on several hearings on 11.12.2000 and 8.3.2001. However, taking a lenient view, the OA was restored. Today again, neither the applicants nor their counsel have come present. The OA is dismissed in default and for non-prosecution.

*S. Raju*  
(Shanker Raju)  
Member (J)

*V.K. Majotra*  
(V.K. Majotra)  
Member (A)

cc

5.7.2001 (Afternoon):

Later on Shri Dalip Singh, learned counsel for the applicants appeared along with the applicant. The learned counsel for the respondents is also present at this time. The learned counsel for the applicants

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stated that the applicant was present in the Forenoon when the case was taken up <sup>for</sup> hearing today. However he did not get up in the absence of his counsel. He requested that the order already passed may be recalled and the case be heard.

In view of the circumstances explained above by the learned counsel for the applicant, the aforesaid order is recalled. Both the counsel heard and the following order is passed:

O R D E R (Oral)

Shri Shanker Raju, Member(Judil.):

The applicants have filed this application through their Association, namely, Chaudhry/Head Gardner Welfare Association of CPWD, who have been working or retired as Head Gardner with the respondents, have sought for refund of the deduction made under Compulsory Deposit Scheme w.e.f. 1.4.1975 and continued to be deducted from them upto 1991. The applicants have also a grievance that the respondents have been illegally withholding the interest accrued on account of CDS since 1983. According to the learned counsel for the applicants despite making representations and sending a legal notice to the respondents, nothing has been done by the respondents in this matter.

In the reply the learned counsel for the respondents objected to filing of this OA by contending that Association which has filed this OA is not a recognised one and also stated that in case applicants thought that the calculation of the amount due to them in CDS is not correct, they can file their

respective representations in this regard to the concerned division in which they are working or had worked for releasing the payment due to them which shall be examined and appropriate remedial action would be taken in accordance with the rules existing on the subject. It is also contended that the amount of deposit and interest thereon could vary from one individual to other depending on their basic pay at that time. It is further stated that interest will be calculated at the rates declared for GPF which was under 9% to 12% for different years. In this conspectus, it is clear that in case applicants raise their grievances individually by filing their representations to their respect divisions, then the same would be taken into consideration by the respondents.

We have heard the rival contentions of the parties and perused the material on record. In view of the fair submissions made by the learned counsel for the respondents, we dispose of this OA by directing the applicants to raise their individual grievances regarding CDS, etc. before the respondents by filing representations to the concerned division individually within two months from today which should be considered by the respondents in view of their averments made in the reply. Respondents are further directed to pass speaking and detailed orders within two months from the date of receipt of such representations. No costs.

S. Raju  
(Shanker Raju)  
Member (J)

V.K. Majotra  
(V.K. Majotra)  
Member (A)

/rao/