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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1701/1999

This the 16th day of September, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Gulshan Kumar
Ex-Driver Gr.C,
S/o Sh. Jagdish Ram,
R/o B-1/5, Patel Nagar,
Saharanpur, UP.

(By Advocate: Sh. Mahesh Srivastava)

Versus

1. Union of India, service to be effected through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Paharganj, New Delhi.

(By Advocate: Sh. R.L. Dhawan)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA challenging the action of the respondents in not releasing the PF and other benefits to the applicant till date despite repeated representations and reminders and his last representation was sent on 8.12.98 to the respondents to release the PF and other benefits.

2. The OA was contested by the respondents and vide order dated 12.1.2001 the OA was dismissed for want of limitation. Against that order applicant preferred a Civil Writ Petition before the Hon'ble High Court. Though the petition was dismissed, it was observed that the petitioner had omitted to drive his cause of action from respondents communication dated 27.11.2000 whereby his PF was ordered to be released. So petitioner was permitted to approach the Tribunal again in an appropriate remedy to seek consideration of his grievance. So

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it is on this basis the RA filed by the applicant had been allowed and the matter was directed to be listed.

3. I have heard the learned counsel for the parties and have gone through the record. The only contention raised by the applicant was that since letter dated 27.11.2000 speaks of the case of the applicant having been dealt and because of some records not being available the amount lying in credit of the applicant has not been refunded. Letter dated 27.11.2000 also mentions that the DPO had written to the APO (Settlement) requesting him to release the PF, if due to the applicant. Thereafter APO had written a letter which is Annexure R-2 filed alongwith the MA No.1461/2003 wherein it was mentioned that efforts were made to trace out the documents i.e. service book, personal file and D&AR file of the applicant but nothing has been made available so they were unable to release the PF to the applicant. Counsel for respondents also referred to Annexure R-3 whereby the Divisional Finance Manager had asked the Assistant Personnel Officer to provide the details of PF A/c No. of the applicant so that the PF department may settle the account of the applicant. So all these documents show that proper PF A/c No. has not been furnished to the authorities concerned for the settlement of PF account of the applicant.

4. Counsel appearing for the applicant submits that since PF Pass Book has been issued to the applicant, applicant shall furnish the proper PF A/c No. to the department and then the department can release the amount to the applicant. So in view of these facts and circumstances I find that this OA can be disposed of with a directions to the applicant that he

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shall furnish the necessary particulars of his PF A/c No. and other relevant details to his department within 15 days from the date of receipt of a copy of this order and thereafter the department shall pass a reasoned and speaking order for the purpose of release of PF amount, if any to the applicant within a period of 3 months from the date of receipt of relevant information from the applicant.

5. Accordingly, OA stands disposed of. Applicant is directed to furnish the necessary information within 15 days from the date of receipt of a copy of this order and respondents to process his case within a period of 3 months on receipt of the information and to release the amount of PF to the applicant. In case any grievance survives, applicant is at liberty to approach the Court again. OA stands disposed of.


(KULDIP SINGH)
Member (J)

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