

Central Administrative Tribunal, Principal Bench

O.A.No.222/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 13th day of March, 1997

Balram Krishan
s/o Shri Hans Raj
Retd. B.M.Mistry
Loco Shed
Saharanpur
r/o A-3/114, Janak Puri
New Delhi.

... Applicant

(By Shri G.D.Bhandari, Advocate)

Vs.

1. Union of India through
The General Manager
Northern Railway
Baroda House
New Delhi.

2. Divisional Railway Manager
Northern Railway
State Entry Road
New Delhi.

3. Divisional Railway Manager
Northern Railway
DRM's Office
Ambala Cantt.

... Respondents

(By Shri R.L.Dhawan, Advocate)

O R D E R (Oral)

The applicant retired as B.M.Mistry Grade on attaining the age of superannuation on 31.12.1995. On retirement, he was given GPF amounting to Rs.34,750/-. He is aggrieved that he was not paid the full amount and he was entitled to about Rs.20,000/-. His case is that a person appointed along with him as a Khalasi in 1957 had received higher provident fund than him and there is no reason given by the respondents why his Provident Fund should be less. In the reply statement the respondents deny the allegation.

2. I have heard the counsel on both sides. The learned counsel for the applicant points out that under the Railway Rules there is a minimum statutory deduction from the salary

of railway employee on account of contribution to GPF. If this minimum reduction were to be counted, then the amount of GPF would come to a much higher figure than what the applicant has been paid. The learned counsel for the respondents on the other hand draws my attention to Annexure R-1 of the reply statement which shows that the applicant had withdrawn a sum of Rs.8606/- from the Provident Fund maintained by Sr. DAO, N.R., Ambala Division and Rs.2600/- had been withdrawn prior to that.

3. I have considered the matter. The respondents say that the lesser amount is on account of various withdrawals made by the applicant, while the applicant on the other hand says that these withdrawals not being final withdrawals, he had returned the amount in instalments as required. In view of this position, the matter to be checked is whether there was any refund of the advances taken or whether those were final withdrawals.

4. Accordingly, the OA is disposed of with a direction to the respondents to verify from the original orders of advance whether these were final withdrawals, and if not, to verify from the salary accounts whether the advances in question were refunded by the applicant and reccredited to his account. This exercise should be completed and the result should be intimated to the applicant with a speaking order within a period of four months from today. In case there has been a lesser credit on account of less interest due to the temporary withdrawals made by the applicant, the same may also be explained in the aforesaid speaking order. No costs.

R. K. Ahuja
(R. K. AHUJA)
MEMBER (A)

/rao/