

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-491/97

New Delhi this the 20th day of November, 1997.

Hon'ble Shri S.P. Biswas, Member(A)

Sh. P.L. Choudhary,
R/o D-73, Shakarpur
Extension, Delhi.

..... Applicant

(through Sh. Pramod Bisht, advocate)

versus

1. Dy. Dy. Controller of Accounts(Funds),
GPF Cell, Old Secretariat,
Delhi.

2. The Commissioner of Police
(Delhi Police),
PHQ, I.P. Estate,
MSO Bldg., New Delhi.

3. The Govt. of NCT Delhi,
through Home Secretary
5-Sham Nath Marg, Delhi.

..... Respondents

(through Sh. Vijay Pandita, advocate)

- ORDER(ORAL)

The applicant herein is aggrieved because of allegedly non-action of the respondents to pay him certain G.P.F. amounts which he claims to be due to him. He had earlier approached this Tribunal in OA-1931/96 which was decided on 16.9.96 with direction that the applicant may make a fresh representation together with the enclosures to the respondents within a period of 10 days. The respondents were directed to dispose of the said representation by a detailed/reasoned and speaking order within a period of 3 months. The applicant is before us on the same issue and seeks redressal of his grievances that part of the G.P.F. has not yet been paid to him. He would argue that he is due to get payment of G.P.F. amount of.

1/2

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Rs.37,323/- but was given an amount of Rs.17,323/-. In other words he was paid Rs.23000/- less. He further argued that he had taken loan of Rs.20000/- from G.P.F. in the month of April 1986 and refunded the same amount on 1.9.1988 vide receipt No.29824. The ld. counsel for the applicant argued that the respondents have not provided the calculation sheet indicating the manner in which the amount due to the applicant has been worked out.

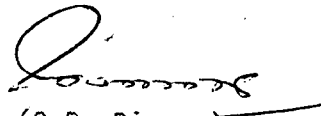
The learned counsel for the respondents, on the contrary, submitted that Rs.20000/- has been released after doing the needful. It has also been submitted by them that there are several variations and omissions in the G.P.F. account prepared by the applicant. The applicant was also requested to approach the respondents (P&AO/PF(II) Police) for reconciliation of his accounts. He has also been told to submit the details of the residual balance. The respondents have also given a catalogue of variations and omissions in the G.P.F. attributable to the applicant. It has been even mentioned that the applicant in Annexure-III, has given wrong statement in respect of withdrawal of Rs.20000/- in April and having not shown it in the same statement at the proper column. The respondents have also questioned that such a withdrawal by the applicant, who was himself the Drawing and Disbursing Officer at Port Blair, is not permissible in the eyes of law.

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We find that what to be paid to the applicant by the respondents with reference to the G.P.F. account is a matter marked by disputes by both the parties. The applicant would say that he is not to pay any amount to the respondents whereas the respondents would submit that the details given by the applicant are inaccurate. In a situation like this, the Tribunal cannot adjudicate such disputed matters. It is not the function of the Court/Tribunal to make roving enquires and enter into findings based on unsubstantiated evidence/records (See Hamsaveni Vs. State of Tamil Nady 1994 SCC (L&S) 1277).

In view of the above, I find that this is not a fit case where the Tribunal can exercise its powers under Article 226 of the Constitution. The O.A. is accordingly dismissed. No costs.


(S.P. Biswas)
Member(A)

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