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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 1/1999
in
O.A. NO. 2645/97

New Delhi this the 5th Day of February 1999

Hon'ble Mr. R.K. Aahooja, Member (A)

1. Union of India,
through Secretary,
Ministry of Defence, Govt. of India,
New Delhi.
2. Controller General of Defence Accounts,
R.K. Puram, Block V, New Delhi.
3. Jt. C.D.A. (Funds),
Meerut Cantt. Review
Petitioners

(By Advocate: Shri K.K. Patel)

-Versus-

Shri Chandra Dutt Sharma,
Retired SO (A),
S/oShri Babu Ram,
R/o A-16/2, Chandra Vihar, I.P. Estate,
New Delhi.

Review
Respondent

O R D E R (By Circulation)

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

This Review Petition is directed against the order of the Tribunal dated 31.8.1998. The review application was filed on 2.11.1998 i.e.much after the stipulated period of 30 days. It is accompanied with an application for condonation of delay. The only ground given for condoning the delay is that time was taken in processing the papers in the office of the Deputy CGDM and in obtaining the advice of the counsel. This explanation is not sufficient at all. The R.A. is therefore liable to be dismissed on grounds of limitation alone.

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2. On merits also the petitioner does not have any basis. The applicant in the O.A. had assailed the action of the respondents to deduct Rs. 33,521/- from his GPF balance on the ground that certain wrong adjustment had been made in March 1982 i.e. 15 years prior to his date of retirement in 1997. Holding that even if the stand of the respondents in respect of wrong adjustment was correct, ^{it was ordered that} the recovery, in question, could not be made after so many years. The respondents in the O.A. who are now petitioners in the R.A. reaffirmed their right to make the recoveries on the basis of Govt. of India instructions in OM No. 13(3)/84-PV dated 12.6.1985. Para 3 thereof states that the main objective behind revised procedure is to ensure timely review, re-cast and completion of the Provident Fund accounts and this includes "tracing and adjustment of missing credit, if any. In respect of recoveries in the impugned judgement reliance was placed on the case of Harjit Singh Vs. Union of India and Others (1995) 31 ATC 657 and D. Chandrasekara Rao Vs. Union of India and Another (1994) 27 ATC 343. The petitioners say that the ratio of this judgment is not applicable as it related to 'service' head. In my view it makes no difference whether the aforesaid judgement related to the "Service" and not "Debt" head" since in either case the issue is one of recovery.

3. For the aforesaid reason, the R.A. is dismissed both on the grant of limitation as well as merit.

R.K. Ahuja
(R.K. Ahuja)
Member(A)

Mittal