

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. NO.1877/94

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

New Delhi, this 17th day of January, 1996

Shri Chanchal Singh
Retired ACIO-II(G)
C/o Shri Satish Wadhwa
G-57, Melkaganj
Delhi - 110 007.

... Applicant

(By Shri D.S.Mahendru, Advocate)

Versus

Union of India: through

1. The Secretary
Ministry of Home Affairs
Govt. of India
NEW DELHI.

2. Pay & Accounts Officer
Intelligence Bureau (M.H.A.)
A.G.C.R. Building
I.P.Estate
NEW DELHI - 110 002.

... Respondents

(By Shri N.S.Mehta, Advocate)

O.R.D.E.R.(Oral)

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

The present application has been filed by the applicant Shri Chanchal Singh, Retired as ACIO-II(G) from the Intelligence Bureau (MHA) on account of non-payment of the amount of G.P.Fund Account amounting to Rs.15,635/- despite repeated representations made by him.

2. The applicant claims that he retired from the service w.e.f. 31.1.1994 on attaining the age of superannuation. Thereafter, all the retirement dues except the amount of G.P.Fund were paid to him within three or four months. He made representations to Respondent No.2 on 24.6.1994 for expediting the payment of the G.P.Fund amount but there was no response. Hence, he prays for a direction to the respondents to pay the G.P.Fund dues to him along

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with interest thereon calculated at the rate of 24% from the date of his retirement till the date of actual payment.

3. The respondents in their reply have stated that on thorough re-checking the G.P.Fund Account of the applicant on his retirement, it was found that the recovery of the Government money amounting to Rs.6370/- was to be made and thereafter, 'NIL' GPF final payment authority was issued as per ANNEXURE R-II. The respondents therefore, controvert the claim of the applicant regarding the payment of GPF dues to him.

4. Learned counsel for the applicant has pointed out that as per Para 8 of the respondents' reply, it has been stated that the over-payment of Government money of Rs.6370/- was recovered from his DCRG entitlement. The learned counsel submitted that the recovery, if any, was to be made, it had already been deducted from the Gratuity and should not now be deducted also from his GPF dues. The learned counsel for the respondents also agrees that as per the reply filed, the deduction of the amount has already been made. Learned counsel for the applicant also submits that the P.F. statement filed by the respondents along with their reply is not correct and is contradictory to their own GPF Account statements issued to the applicant each year. He argued that an explanation has been given only in respect of certain clerical mistakes for the year 1977-78 and for the rest neither any other dues have been taken into account in the annual statement nor any explanation has been given as to why these were not taken into account while giving the annual statements. He, therefore, pressed that the claim of the applicant for payment of Rs.15,635/- by way of G.P.Fund dues may be granted.

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5. After hearing the counsel on either side and going through the pleadings, I find that while the amount of Rs.6,370/- has already been recovered from the DCRG entitlement, and therefore, cannot be re deducted from the GPF dues, there is some confusion regarding the dues to be recovered from the applicant in respect of temporary/final advances made in the years 1988-89 to 1993-94 as per para 4 of the final payment of GPF balance order dated 6.10.1994 (Annexure R-2). Accordingly, the application is disposed of with the following directions:

- a) The respondents will pay a sum of Rs.6,370/- as GPF dues since the over-payment has already been recovered from the DCRG along with interest at the rate of 12% calculated after the expiry of three months after his retirement to the date of actual payment.
- b) The respondents will also re-check their records as regards the dues shown against the applicant, in Para-4 of the Pay & Accounts Office, Intelligence Bureau, Ministry of Home Affairs letter No.PAO/IB/PF-I/FP/NO/IB-5077/1355 dated 06.10.1994, and in case these recoveries have already been taken into account while issuing the annual statements, to pay the balance, if any, to the applicant also with 12% interest. In case, nothing is found due to the applicant, they will also inform the applicant along with the details of the calculations.
- c) The respondents shall complete this exercise within three months from the date of the receipt of this order. Therefore, the application is disposed of with the above directions. There shall be no order as to costs.

/RAO/

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