

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1654/2000

New Delhi this the 10 th day of January, 2002

Hon'ble Shri S.R. Adige, Vice Chairman (A)  
Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

Dr. Krishnawtar Gupta,  
S/O Shri Sita Ram Gupta,  
R/O Q-3, ESI Hospital Colony,  
Sector-24, NOIDA

..Applicant

(By Advocate Shri N. Safaya )

VERSUS

1. Employees State Insurance Corporation  
through its Director General,  
Kotla Road, New Delhi.

2. Joint Director (Finance),  
E.S.I. Corporation,  
Kotla Road, New Delhi.

3. Financial Commissioner,  
ESI Corporation, Kotla Road,  
New Delhi

..Respondents

(By Advocate Shri G.R. Nayyar )

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman (A))

Heard both sides.

2. It is not denied that the impugned annexure A-1 statement whereby a sum of Rs. 1,09,780/- has been deducted out of applicant GPF Account No. NDA-91, has been issued without putting him to any notice.

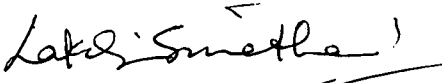
3. Manifestly, the deduction of Rs. 1,09,780/- from the applicant's GPF account visits civil consequences upon him and before respondents issued the aforesaid statement, they should have put the applicant to notice

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and given him a reasonable opportunity of filing his reply.

4. Under the circumstances, the impugned annexure A-1 statement to the extent that it deducts Rs.1,09,780/- from the applicant's GPF account is quashed and set aside. In the event, that respondents seek to deduct any amount from the applicant's GPF, they shall do so only after putting him to notice, giving him a reasonable opportunity to file his reply and disposing of the same by a detailed, speaking and reasoned order in accordance with rules and instructions under intimation to him within a period of three months from the date of receipt of a copy of his reply. Thereafter if any grievance still survives it will be open to applicant to agitate the same through appropriate original proceedings in accordance with law if so advised.

5. It is made clear that the merits of the applicant's claims and respondents counter claim are not being adjudicated at this stage. No costs.

  
( Smt. Lakshmi Swaminathan )  
Vice Chairman (J)

  
( S.R. Adige )  
Vice Chairman (A)

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