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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 203 198 7
T.A. No.

DATE OF DECISION 11.11.87

Shri A. P. Saksena **Petitioner**

Shri V. Prasad, **Advocate for the Petitioner(s)**

Versus

Union of India & another **Respondent s**


Shri P.P.Khurana and Shri Sunil Lalwani,
Proxy Counsel for Shri G.C.Lalwani, **Advocate for the Respondent(s)**


CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to all the Benches ? No


(Kaushal Kumar)
Member
11.11.87


(K. Madhava Reddy)
Chairman
11.11.87

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Central Administrative Tribunal
Principal Bench: Delhi

Regn.No.OA 203/87

Date of decision: 11.11.1987

Shri A. P. Saksena

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Applicant

Vs.

Union of India & another

Respondents

Coram: Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member

For the Applicant

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Shri V. Prasad, Counsel

For the Respondent No.1

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Shri P.P.Khurana, Counsel

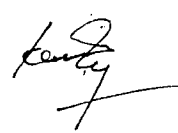
For the Respondent No.2

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Shri Sunil Lalwani, Proxy
Counsel for Shri G.C.Lalwani,
Counsel

(Judgement of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)

In this application under Section 19 of the Administrative Tribunals Act, 1985, the claim of the applicant is that the entire amount of Provident Fund has not been paid to him. He claims that a sum of Rs. 20,129 is still due to him and the Respondents may be directed to pay the same. This claim is opposed. The applicant himself has not produced any document to substantiate his claim. However, to satisfy ourselves and to clear all the doubts raised by the applicant himself, we summoned the record, inspection of which was also given to the applicant and his counsel. Learned counsel for the applicant after having gone through the record stated that except for a mistake in totalling the amount of Provident Fund standing to the credit of the applicant at the end of 1980-81 accounting year, he could not find any discrepancy and even this discrepancy is only to the extent of Rs.200/-. While as per the figures in the original ledger which was placed before us, the total amount which should have been shown as credited to the



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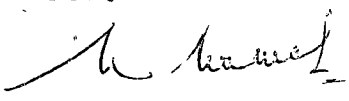
applicant should have been Rs.14,342, it is shown as Rs.14,142 and the same figure was carried forward to the next year until the account was closed and on that basis the amount due to him on his retirement was paid. On behalf of the Respondents it was pleaded that the figures that are shown in the ledger were ultimately reconciled with the figures of the total of credits and debits entered in the account from time to time until the account was closed and the various errors were corrected and the actual amount due to the applicant was ascertained. So merely because there was a mistake in totalling the figures of 1980-81, it cannot be presumed that there was a short payment of Rs.200/-. We are unable to agree with this contention. Any payment made or withdrawn is undoubtedly done on the basis of some authority. But once they are posted in the ledger and unless the ledger is corrected, there is no reason to go back upon the entries in the ledger maintained by the Government in the official course of business. Moreover, no material has been placed before us to show that there was any mistake in the entries in the ledger except in the totalling of 1980-81 figures referred to above. The mistake in totalling of the amount for the year 1980-81 is quite obvious. Unless the figures of the opening balance, deposits and interest mentioned therein are shown to be not correct, the total figure shown as Rs.14,142 is clearly erroneous; it falls short by Rs.200/-. When these figures are not shown to be incorrect and no other material is placed before us, we see no reason to reject the claim of the applicant in respect of this amount of Rs.200/..

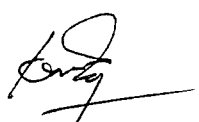
2. This amount was due and payable to him at the time of his retirement. Since it was not paid then he is entitled to payment of interest at the rate of 7% per annum after the first three months of his retirement upto one year and at the rate of 10% per annum till the payment is made.

[Signature]

3. The other contention of the applicant that the L.I.C. premiums were wrongly deducted during the years 1973-74, 1976-77 and 1978-79 is untenable. According to him, while the premium was payable only once in a year in some years it was deducted twice over. Any such plea cannot be countenanced from the applicant when he himself was the Drawing and Disbursing Officer. If at all these amounts were deducted they were paid under his authority. If any excess amount was credited towards his LIC policies he can always claim the same from the L.I.C. So far as the deduction itself is concerned, the same having been authorised by the applicant himself he cannot now contend that there is any unauthorised deduction. In fact when the Drawing and Disbursing Officer had issued the order, the authorities were bound to deduct the amount. This claim is, therefore, rejected.

4. In view of the foregoing discussion, this application is allowed to the limited extent of directing the Respondents to pay Rs.200 with interest as indicated above to the applicant. There shall be no order as to costs.


(Kaushal Kumar)
Member
11.11.87


(K. Madhava Reddy)
Chairman
11.11.87