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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.1342/90

New Delhi, this the 1st September, 1994.

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER(A)

Shri Hukam Singh Chauhan
r/o Village & P.O.Uchana
Tehsil & Distt.Karnal.

..Applicant.

(By Advocate Shri JPS Sirohi)

Vs.

1. Secretary,
Ministry of Personnel, P.G.
& Pensions, New Delhi.

2. Director (PERS),
Cabinet Secretariat,
South Block, New Delhi.

3. Director (SR)
Cabinet Secretariat,
Bikaner House, New Delhi.

4. The Commissioner of Police,
Delhi, MSO Building, New Delhi.

5. The Secretary,
Ministry of External Affairs,
Govt.of India, New Delhi.

..Respondents

(By Advocate Shri Surat Singh)

ORDER (ORAL)

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER(A)

The applicant joined Delhi Police as a temporary Sub Inspector on 26-3-1966. After completion of initial training he was posted to FRRD Unit of Delhi Police from where he proceeded on deputation to the Central Secretariat (RAW) with effect from 1-8-70. His request for resignation while on deputation was received by respondent No.4 and the same was accepted vide notification dated 11-9-1973. The applicant has now filed this O.A. before this Tribunal praying for the following reliefs:

- a) To pay the balance amount of GPF to the applicant with interest at the rate of 15% P.A. since the GPF amount became

due to the applicant. The applicant has received Rs.1875/- only.

- b) To pay the amount of encashment of earned leave due to the applicant which is calculated to the extent of about four months with interest at the rate of 15% P.A.
- c) To categorise the character in discharge certificate as 'Good' or above instead of 'Satisfactory' as categorised at present.
- d) In the alternative, to declare the order of resignation dated 17-11-73 illegal, unconstitutional and null and void and direct the respondents to treat the applicant in service from the date of the resignation order i.e. 14-5-73 with full service benefits.

2. Considering ^{just} the reliefs regarding the entries ⁱⁿ in the discharge certificate and the acceptance of resignation in 1973 I note that the respondents had taken the preliminary objection that the application cannot be maintained on these aspects since the reliefs are hopelessly barred by limitation. The ld. counsel for the applicant refers to a Memorandum issued by the Cabinet Secretariat dated 16-12-88 (An.A4) wherein the various grievances mentioned in the representation of the application dated 24-10-88 addressed to the Secretary, Ministry of Personnel, Public Grievances & Pensions had been dealt with. It was argued that the issue regarding resignation and discharge certificate have been dealt with in this Memorandum. I note that the matter which had happened some time in 1973 is sought to be agitated in the U.A. filed in July, 1990. It has been held that repeated representations cannot give rise to

a fresh cause of action. Even after issue of the Memorandum of the Cabinet Secretariat the applicant had taken more than 18 months to file this O.A. Hence the entries in the discharge certificate and whether the resignation was correctly accepted or not in the year 1973 are issues which cannot be gone into at this late stage.

3. With regard to the encashment of earned leave, the reply brings out that such ~~of~~ facility of encashment was not available to government servants who retired or ~~quited~~ service before 30-9-1977. In the circumstances, this relief cannot be granted.

4. With regard to payment of the balance amount of GPF, the reply given by the respondents reads as under:-

"Though the resignation was effective from 14-5-73 his request for final payment of GPF alongwith prescribed application form etc. was received by GPF Cell in the year 1978. Accordingly final payment of Rs.1875/- against GPF Account No.Pol-CR.15580 was made to him on 25-5-78. As regards sum of Rs.280/- towards GPF Account No.EACR-5381, the same was transferred to the Ministry of External Affairs in May, 1977. As such it was for the applicant to collect the same from the quarter concerned."

But the 1d. counsel for the applicant mentioned that the applicant never joined the Ministry of External Affairs and submitted his resignation when he was working in RAW organisation. Hence the transfer of whatever was the balance amount to the Ministry of External Affairs was not in order. There is force in this argument and it is for the parent department which had accepted the resignation to arrange for the payment of all the GPF balance as eligible. It is for respondent No.4 to coordinate with other

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respondents and arrive at the actual GPF balance to be paid. It is needless to add that the GPF interest as applicable from time to time should be worked out and the total amount including the original dues as well as the interest upto the time of payment should be paid to the applicant expeditiously. The respondents are allowed a time of four months to implement the order and specifically respondent No.4 should coordinate with the other respondents who are expected to render all assistance in this regard.

5. With the above directions, the C.A. is disposed of. No costs.

P. T. Thiruvengadam

(P.T. THIRUVENGADAM)
Member(A)

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