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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No.1744 of 1990 with

M.A. No. 315 of 1993

New Delhi this the 3rd day of December, 1993

Mr. Justice S.K. Dhaon, Vice-Chairman

Shri Bhagat Singh

R/o House No.XI/163, Subhash Nagar,

Gurgaon (Haryana)-122001.

..Petitioner

By Advocate Shri D.S. Oberoi

Versus

1. The Union of India through
The Secretary,
Ministry of Civil Aviation,
New Delhi.

2. The Administrative Officer,
Office of the Aerodrome Officer,
Civil Aviation Department,
Govt. of India,
Safdarjung Air Port,
New Delhi.

3. The Accounts Officer,
Central Pay & Account Office,
Civil Aviation Department,
Safdarjung Airport,
New Delhi.

...Respondents

By Advocate Ms. Protima Mittal, proxy counsel for
Shri K.C. Mittal, Counsel for respondent Nos. 1
and 3.

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The following reliefs have been claimed
in this application:-

- (a) An appropriate direction in the nature
of mandamus may be issued commanding the respondents
to make the payment of the balance of the GPF amount
to the petitioner along with the market interest
thereon for delay in payment within a stipulated
period.
- (b) To direct the respondents to produce
the relevant records pertaining to the GPF account
of the petitioner from the beginning of his
subscription.
- (c) Direct also the respondents to file
a reconciliation of statement of accounts.
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pertaining to the petitioner's GPF account.

2. The Union of India, the Administrative Officer, Office of the Aerodrome Officer, Civil Aviation Department, Safdarjung Airport and the Accounts Officer, Central Pay and Account Office, Civil Aviation Department, Safdarjung Airport are cited as respondents 1, 2 and 3 respectively.

3. During the pendency of this application, the petitioner filed a Miscellaneous Application No.2315 of 1993 praying, inter alia, that the respondents may be directed to produce the relevant records.

4. On 17.09.1993 Hon'ble Shri J.P. Sharma(JM) passed an order directing the respondents to produce the relevant records, if available with them on the date of hearing.

5. The case has been called out in the revised list. Respondent Nos. 1 and 3 are represented by learned counsel holding the brief of Shri K.C. Mittal. No one has appeared on behalf of the Administrative Officer (Respondent No.2). In accordance with the directions given by Hon'ble Shri J.P. Sharma, the respondent Nos. 1 and 3 have produced the relevant record before the court. Learned counsel for the petitioner maintains that the certain entries are not shown in the records produced. It is difficult to disbelieve the account prepared by the Accounts Officer. However, since the contribution towards the P.F. was deducted by the Administrative Officer of the Civil Aviation Department from the salary of the petitioner from time to time, it is just and proper that the Administrative Officer should

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be directed to satisfy the petitioner by showing him the relevant record that the correct amount had been deducted from his salary from time to time. We may note that the direction given by Hon'ble Shri J.P. Sharma was also applicable to respondent No.2, the Administrative Officer of the Civil Aviation Department, Safdarjung Airport. However, the said respondents has failed to produce the record. In the M.A., the prayer is that the respondents may be directed to produce the record of the petitioner for the entire period during which he was in service. It is admitted that the petitioner was initially appointed in undivided Punjab and his employment commenced on December, 1946. After partition, it is stated by the counsel for the petitioner, the petitioner joined at Calcutta sometime in August, 1947. The Administrative Officer, respondent No.2 to show to the petitioner such record as are available with them. According to the counsel for the petitioner certain amounts were deducted from the salary of the petitioner but the same was not forwarded by the Administrative Officer (respondent No.2) to the Accounts Officer of the Central Pay and Account Office, Civil Aviation Department, Safdarjung Airport, New Delhi. The Administrative Officer shall conduct an inquiry in the light of this allegation and also show the relevant papers to the petitioner. If any discrepancy, as alleged by the petitioner, is found, and if any amount was really deducted from the salary of the petitioner and not forwarded to his P.F. account, the same shall be refunded to the petitioner. While making refund to the petitioner he shall also be paid interest at the rate of 12%. The

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respondent No.2 shall take necessary action as expeditiously as possible but not beyond a period of one month from the date of presentation of a certified copy of this order before the relevant authority.

6. With these directions, this application is disposed of finally but without any order as to costs.

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(S.K. DHAON)
VICE CHAIRMAN
03.11.1993
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