

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

OA No.2192/91

Date of decision:- November 27, 1992

Sh. Manohar Lal

...

Applicant

versus

General Manager,  
Northern Railway

...

Respondent

CORAM:

THE HON'BLE SH.P.C.JAIN, MEMBER(A)  
THE HON'BLE SH.J.P.SHARMA, MEMBER(J)

For the Applicant ...

Sh.S.K.Bisaria  
Counsel.

For the Respondent ...

Sh.R.L.Dhawan,  
Counsel.

JUDGEMENT

(DELIVERED BY HON'BLE SH.P.C.JAIN, MEMBER(A) )

The applicant who retired from service on 31.7.89 as Pointsman Grade 'A' from Railway Station Balluana, a division of the Northern Railway, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 in connection with his grievance about alleged non-payment of his retirement dues as also non-payment of bonus for the years 1980 and 1981 and partial payment of bonus for the years 1982 and 1983. He has prayed for a direction to the respondent to finalise finally his settlement dues including Provident Fund, Leave Salary benefit and bonus etc. along with 18% interest per annum on the amount due to him from 31.7.89 till the date of payment.

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2. On notice, the respondent has filed this reply contesting the OA to which the applicant has also filed a rejoinder. As the pleadings in this case were complete, it was decided with the consent of the parties to finally dispose of the OA at the admission stage itself. Accordingly, we have perused the material on record and also heard the learned counsel for the parties.

3. The fact of the retirement of the applicant on superannuation as aforesaid is not in dispute. The learned counsel for the respondent made available to us a copy of the letter dated 14.5.92 from the Divisional Office, Ambala showing the details of various items of payment made to the applicant. A copy of the same was also given to the learned counsel for the applicant to check up the same with his client. As per the aforesaid letter, Pension Payment Order dated 12/89 sanctioning a pension of Rs.375 per month + relief as admissible under Government orders had been issued. Similarly, payment of Rs.18,315/- on account of D.C.R.G. was passed vide C07 No.0800 173 dated 23.1.89. An amount of Rs.6842/- on account of

Leave Encashment was passed vide C07No.010772 dated 30.10.89. Another amount of Rs.1908/- on account of Group Insurance Scheme was passed vide C07 No.010772 dated 30.10.89. Another amount of Rs.6304/- on account of Provident Fund was passed vide C07No.041036 dated 18.4.91. An amount of Rs.23220/- on account of commutation of pension was also shown to have been paid. The learned counsel for the applicant in his oral submissions at the time of final hearing submitted that the aforesaid payments were received by the applicant, but his only grievance was that the amount paid on account of the balance in the Provident Fund account, according to his client, does not appear to be correct as he had rendered about 36 years of service and in similar cases ~~two~~ persons holding similar posts higher amounts have been paid. Needless to state that such a presumption in the absence of material particulars cannot be a valid ground for finding fault with the action taken by the respondent in so far as the applicant is concerned. An annual statement about Provident Fund of an employee is issued to him at the end of each year

(B)

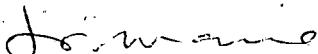
with the request to him to check up the statement and if there are discrepancies, to point out the same. It has neither been shown by placing any material on record or even ~~stated~~ before us that no such statements were issued to the applicant or that he had ever represented to the respondent in regard to any inaccuracy in his Provident Fund account. It is also not stated as to what is the balance <sup>at d.</sup> towards his credit, according to the applicant's own assessment. But with a view to providing satisfaction, we consider it appropriate to give a direction to the respondent to supply a copy of the statement of the Provident Fund account of the applicant to him. From the material placed on record, we find that his Provident Fund Account Number in Delhi Division was 30168, in Ambala Division it was 126390 and in Ferozpur Division it was 7134.

3. As regards the claim of the applicant in regard to bonus, the respondent has stated in the reply that his claim for the year 1980-81 pertains to the period when he was working in Ferozpur Division and that the

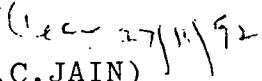
D.R.M., Ferozpur has informed that the old records of Bill Section for the relevant period have since been destroyed being time expired records. It is also stated here that the claim of the applicant in this regard is barred by limitation for purposes of adjudication by us, the OA having been filed on 19.9.91.

4. In the light of the foregoing discussion, the OA is devoid of merit and is accordingly dismissed subject to the direction that the respondent shall furnish to the applicant a copy of the statement of his Provident Fund account as expeditiously as possible.

No costs.

  
(J.P. SHARMA)

MEMBER(J)

  
(P.C. JAIN)

MEMBER(A)

SNS