

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.2391/92

Date of Decision: 29.04.1993

(10)

Shri R.C. Srivastava Applicant

Versus

Union of India Respondents

Shri R.C. Srivastava Applicant in person.

Shri H.K. Gangwani Counsel for the respondents.

CORAM: The Hon. Mr. N.V. KRISHNAN, Vice Chairman(A).

The Hon. Mr. C.J. ROY, Member(J).

O R D E R (Oral)

(delivered by Hon. Vice Chairman(A) Shri N.V. Krishnan)

This application has to be considered only in respect of the following four prayers as is clear from the order dated 17.9.92.

"(a) To grant the payment of the balance amount Rs.7029/- with upto date interest at the rate of 18% towards P.F./VPF dues.

(b) AND to grant the payment of the Gratuity amount Rs. (80025- 56025-5000) due with upto date interest @ 18% with direction to further refund the balance against Rs.5000/- on vacation of Railway quarter.

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(e) AND to award the cost of the Application to the Applicant.

(f) AND to grant any other relief(s) which is/are fit under the circumstances of the case.

The applicant retired on 31.5.92.

2. The respondents have filed their reply.

3. In view of the submissions made by the applicant on 15.4.93, we wanted the respondents to make their final statement today.

4. In regard to the payment of Provident Fund dues of Rs.7029/- requested in prayer (a), the respondents have denied that no amount is due to be paid to the applicant. Against a demand of Rs.1,73,878/- by the applicant(Annexure 'D' letter dated 9.6.92 of the applicant), the respondents have paid Rs.1,68,774/-. The balance is thus Rs.5104/-. However, in a separate calculation filed with the application at Annexure-N, it is made out that the dues payable to him as retirement amount is Rs.1,75,808/-. On this basis he claims that a balance of Rs.7029/- is due to him.

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5. The respondents contend that the amount paid to him is correctly computed. They have given some reasons for the discrepancy in their reply to para 4.9. and 4.10 of the OA.

6. In our view this is eminently a situation where the discrepancy should have been sorted out by representation/discussion. We notice that the applicant has not even cared to send a representation based on the Annexure-N calculation. This appears to have been filed before us only. This is improper because the respondents too should have been given a chance, before the OA was filed to consider his final claim based on the Annexure-N.

7. This conclusion is further strengthened by the applicant's submission today. The applicant produced for our perusal the pass book issued by the Railways for the Provident Fund and he draws our attention to the pages relating to 1988 and onwards, 8 ^{or on} pages in all, the entries, which have been scored out without any attestation. We notice that, the applicant has not made any allegation in this regard in the OA. He explains that he could not make this allegation in this OA, because, the pass book was not with him at that time. We cannot accept this explanation because the applicant himself states that the payment has been made by the respondents on 1.6.92 (Annexure 'D'). He states that he has made a

(b)

reference to this in para-3 of the rejoinder. This is also not correct as this specific allegation has not been made.

8. It is clear that there is some dispute as to whether any amount is still due to the applicant or not. This is primarily a matter for investigation and reconciliation between the parties. It would, therefore, only be proper to dispose of this prayer with suitable directions.

9. The prayer (b) relates to the grant of the balance of gratuity amount due to the applicant with interest. The learned counsel for the respondents submits that the balance of gratuity, that is due to the applicant, will be paid, on or before 31.5.93. We have no doubt that this payment should also include the interest @ 12 % per annum.

10. In the circumstances of the case, we now dispose of this application with the following directions:-

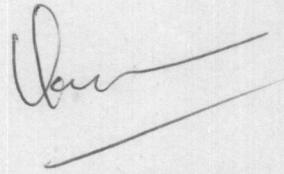
(i) The applicant is permitted to file a detailed representation, fully documented, within one month, from the date of receipt of this order to the second respondent and claim the balance of dues of the provident fund of Rs.7029/-, and in case, the 2nd respondent receives such a representation, he shall dispose it of, or cause it to be disposed of by the

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competent authority, within 2 months from the date of receipt of such representation, after giving an opportunity to the applicant of being heard in respect of his claim.

(ii) The respondents shall pay the gratuity dues to the applicant before 31.5.93 with interest @ 12 % per annum from the date the amount was due till the date of payment.

11. The application is disposed of accordingly.



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C.J. Roy
(C.J. ROY)
MEMBER(J)
29.4.93

(N.V. KRISHNAN)
VICE CHAIRMAN(A)
29.4.93