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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

D.A. No. 2147/93

New Delhi, this 7th day of February, 1994.

Hon'ble Shri P.T.Thiruvengadam, Member (A)

Shri B.D.Suran
s/o Shri Gurbhaj
Block B-3-B/6-C,
Janakpuri, New Delhi.

..Applicant

(In person)

Vs.

1. Lieutenant Governor,
Raj Niwas, Delhi.
2. Director of Education,
Old Secretariat, Delhi.
3. Deputy Controller of
Accounts (Funds),
G.P.F.Cell, Old Sectt.,
Delhi.
4. D.D.O
through Principal,
Govt. Boys Sr. Secondary
School No.1, Palam Village,
New Delhi.
5. Chief Secretary,
Delhi Administration,
5, Alipur Road, Delhi.

..Respondents

(By Mrs. Meera Chhiber, Advocate)

ORDER

At the time of his retirement on 31-5-1993

the applicant was functioning as Principal, Govt. Boys
Senior Secondary School No.1, Palam Village, New Delhi.

His entire DCRG has still not been released and hence this
D.A. has been filed for a direction for the release of
with-held DCRG on enhanced/revised rate with penal
interest. In the D.A. relief regarding the release
of provident fund amount had also been sought, but
since the payment has since been arranged subsequently
~~do me filing of~~
~~it was decided in the D.A. that this relief will not~~
~~be stressed.~~

2. ~~That~~ The applicant appeared in person. The
applicant advanced the following contentions:-

(i) Before his retirement the Administrative

Officer (GOC) in his letter dated 13-5-93 addressed to the concerned Pay & Accounts Officer had indicated that from the ~~to~~ gratuity ~~it will~~ be paid, no amount was to be withheld and advised the Pay & Accounts Officer for submitting the necessary authority to enable drawal of DCRG in favour of the applicant.

(iii) In furtherance to the above, the Pay & Accounts Officer issued authority for payment of DCRG to the applicant vide his order No.PAO-1(1079)BDS/DCRG/RKP/448 dated 29-5-93. This authority letter was addressed to the Principal of the School from which the applicant retired.

(iv) Inspite of receipt of the payment authority dated 29-5-93, the Vice Principal of the School who is the Drawing & Disbursing Officer did not take any action for releasing the DCRG amount of Rs.78,375/-.

(v) A number of representations were made by the applicant in person and by way of letters but all his efforts failed. The applicant was functioning as Principal only for a period of one year and 3 months and during his stay he never took over or held the charge of furniture.

3. On his pursuing the matter, a committee comprising D.C.A. (Education), Vigilance Officer (I) and Accounts Officer (Audit) was constituted to make a report on furniture accounts in respect of the school. This Committee which visited the school on 21-9-93 recommended that the DCRG of the applicant may be released without further delay.

4. As a follow up to the recommendations of the above Committee, a letter was issued by the Deputy Education Officer to the Vice Principal of the School instructing that steps be taken with regard to verification and maintenance of the stock with regard to furniture. The said instructions also mentioned that the DCRG of the applicant should be released forthwith subject to the condition that if any financial lapse of the applicant is established, the same could be recovered out of the relief in pension admissible to him.

4. It is the case of the respondents that the applicant was over all incharge of the school and had not properly handed over the school property where there was deficiency, specifically the prescribed forms for handing over had not been filled by the applicant. The keys for a few rooms (four rooms) which are locked are still with the applicant thereby making it difficult for the stock taking to be completed.

5. Respondents also produced ~~from~~ ^{certain} statements to indicate that some amount of House ¹Rent Allowance of the order of Rs.675/- or so) is to be recovered from the applicant. Also some income tax dues are to be paid by the applicant. At the time of argument on behalf of the respondents, it was offered that the DCRG would be released after withholding a proper amount for the H.R.A and income tax, without linking with the stock taking and that the applicant should cooperate in the taking of the stock separately. The applicant, however, insisted on the interest on the delayed payment of the DCRG.

6. Having heard the applicant in person and the learned counsel for the respondents, ^{g note} ~~held~~ that the Special Committee appointed to go into the discrepancies in the furniture stock visited the school on 21-9-93

and gave report alongwith the recommendations. The relevant portions are reproduced hereunder:-

"The relevant stock ledger, connected receipts, voucher files and other records connected with the furniture were examined in detail by the officers with a view to establish the causes for the discrepancies. Instead of any specific cause, the following facts came to the notice due to which it appears discrepancy has occurred in the school furniture."

1. The school was taken over from MCB in the year 1970 and no proper handing over/taking over of furniture was done.
2. A fire broke out in the school premises in the year 1987 and some furniture stated to have been burnt in the fire but no details of the furniture burnt was available and as such could not be deducted from the balance appearing in the stock register.
3. A case for condemnation of furniture was initiated during the year 1992 and the same is still lying with the E.O., Distt. (West). Had the above condemnation of furniture finalised, under the orders of D.E., the balance would have been further reduced, and discrepancies pointed out now could be minimized.
4. During discussion with the Principal, it was revealed that four rooms of the school building are still lying locked and there is lot of furniture in those rooms. The rooms could not be opened because keys were not reportedly handed over by Shri BD Suran to the present Principal Mr. Sabani. To know the exact position of discrepancy of furniture it is very necessary to open the four rooms and account for the furniture lying therein. No action so far by the Principal Sh. Sabni has been taken to open these rooms under the orders of DDE (West) and account for the said furniture.
5. Besides the above, there is a lot of unservicable furniture lying in the school premises and for the same condemnation sanction has not so far been obtained.

From the above it is clear that the position of discrepancy in furniture as reported at page 63/C by the school is not the final figure, unless the entire position of the furniture as mentioned above is taken into account.

In this connection it is stated further that stock register of furniture is not being maintained properly for the last so many years and no stock taking of the furniture and other items has ever been carried out by the school authorities. This is why the present discrepancy could not be specifically pin pointed. For creating such a situation all the Principals who have served in the school since 1970 are responsible for the present state of affairs. Sh. BD Suran, Principal (Retd.) cannot be exclusively blamed for the discrepancies. There are procedural lapses from the beginning and nobody cared to streamline the affairs of the school in any order at any stage. Keeping in view the above position the Committee is of the view that Sh. BD Suran can hardly be blamed for the present mess exclusively.

Recommendations of the Committee to set right the discrepancies.

1. x x x x x x

2. At present nobody is holding charge of property items of the stock.

3. x x x x x x

4. Keeping in view the above position, the Committee feels that Sh. BD Suran, Principal (Retd.) cannot be exclusively blamed for the present discrepancies and it will be in fitness of things if his DCRG cheque is released without further delay. In case it is established that there was any financial lapse on part of Shri Suran, action for recovery out of the relief in pension can be taken up with pension payment authority."

7. From the above report I ^{note} ~~hold~~ that there has been ^{proper} ~~no~~ system for accounting and that nobody was holding charge of the property returns of the stock. In the follow up letter of the Deputy Education Officer dated 27-10-93 addressed to the Vice Principal, this issue has been taken note of and instructions have been issued for constituting a Committee of two teachers for preparing separate stock registers of serviceable and unserviceable stores. Thus the mess (as mentioned by the Committee) had been going on for years. No records were shown to prove that the stock was handed over to the applicant expressly for custody. The extent of responsibility of the applicant for any deficiencies in stock is yet to be established. The Committee as well as the Deputy Education Officer thought it fit to have the DCRG of the applicant released and take action for recovery out of the relief in pension if and when any financial lapse on the part of the applicant gets established. In the O.A. the applicant has also annexed a copy of the undertaking dated 31-5-93 given by him (An.5) to the effect that he would have no objection for recoveries from R.I.P based on the account of audit.

8. Rule 68 of Pension Rules provides for the payment of interest in case gratuity is authorised after three months from the date when it becomes due if it is

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established that the delay in payment is attributable to administrative lapse. The applicant retired on 31-5-93 and the Committee constituted to go into the discrepancies suggested the release of DCRG in the month of September, 1993. Keeping in view the report and recommendations of the Committee, specifically the observations that nobody is holding the charge of property items of the stock and for the present situation all the Principals who have served in the school since 1970 are responsible, it will be fit and proper to direct the immediate release of DCRG with interest at 12% per annum for the period beyond three months from the date of retirement till the date of actual payment. However respondents may withhold upto maximum a sum of Rs.3000/- which will be a reasonable figure to take care of any HRA, income tax and other legitimate dues. No interest will be payable on this amount of Rs.3000/- and even this amount of Rs.3000/- should be released within a period of three months from the date of this order and any delay beyond this will attract an interest of 12% upto the time the payment of Rs.3000/- is made. The O.A. is disposed of accordingly. There will be no order as to costs.

P.J. *26*

(P.T.THIRUVENGADAM)
Member (A).