

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 688/93

New Delhi this the 5th day of January'1995

(28)

Sh. P.T.Thiruvengadam, Member (A)

Bhairav Dutt Jugran
S/o Sh. Pati Ram,
R/o WZ-1238/3,
Nangal Rai,
New Delhi-110046.

.....APPLICANT

By Advocate Sh. U.S.Bisht

Versus

1. Union of India
Secretary
Ministry of Defence,
Govt. of India
New Delhi-110011
2. The Controller General of
Defence Accounts,
West Block, R.K.Puram,
New Delhi.
3. Controller of Defence Accounts
(Funds), Meerut.
4. The Commandant,
Central Ordnance Depot,
Delhi Cantt-110010

.....RESPONDENTS

By Advocate Sh. Jog Singh

ORDER (Oral)

Sh. P.T.Thiruvengadam

This OA has been filed against certain reduction in the payment from the General Provident Fund accumulation of the applicant at the time of his retirement in Feb'92.

The case of the applicant is the respondents have reduced the PF payment to an extent of Rs. 12076/-. The respondents had presumed that the applicant had drawn a loan of Rs. 2250/- in June'74, as withdrawal from the applicant's PF balance. This presumption is disputed.

It is the case of the respondents that the applicant had been sanctioned loan from time to time and in June'1974, the outstanding loan was to an extent of Rs. 1800/-. This amount should have been deducted/debited and the standing balance should have been shown as less by Rs. 1800/-. By oversight this deduction

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of Rs. 1800 was not effected. This omission came to the notice of the respondents at the time of retirement of the applicant, since the entire account was re-conciled only then. On re-checking respondents found that the excess credit to the PF balance during June '74 was only to the extent of Rs. 1800/- and not Rs. 2250/- as assumed at the initial occasion of re-conciling. Correspondingly the respondents have since taken steps to refund an amount of Rs. 3248 which amount includes the interest upto May '93. Respondents had passed on this amount to the applicant who was however not willing to accept the same.

This case had come up for hearing on a number of occasions. The Ld. Counsel for the applicant fairly admitted that if there was a loan taken by the applicant at the relevant point of time, the reduced payment will not be contested. His argument was that no such loan had been taken in June '74 and the applicant had been suddenly visited by the action of the respondents by which he has to suffer reduced payment.

The respondents were directed to produce the relevant records for perusal. Records were produced today during hearing. One of the records produced relates to the details of payments made to various employees at different points of time. From this record, against item No. 440 a payment of Rs. 1019 has been made to the applicant in 1974. This payment as such is not disputed. However the Ld. Counsel for the applicant was having doubts as to whether this payment related to the temporarily withdrawal from the applicant's PF account.

The departmental representative produced the PF slips for the relevant period in 1974 which shows deduction towards recouping the loan at Rs. 50/- per month. It was explained that loans advanced are recovered in 36 instalments and accordingly, the standing loan in June '74 was to an extent of Rs. 1800/-. This amount of Rs. 1800/- is arrived at by reckoning the fresh loan of Rs. 1019 referred above and the outstanding balance of Rs. 781 from the loan taken earlier to the year 1974. On perusal of these records I note that the recovery @ Rs. 50/- per month was giving

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on till Feb'76 when a further loan was taken. Due to this monthly instalments for recovery got changed. Further PF slips support this point.

Though specifically the loan sanction for the year 1974 could not be produced, it could be reasonably surmised from the records as above that such a withdrawal from the PF account of the applicant had taken place. Again on perusal of the various PF slips note that there has been no corresponding deduction of Rs. 1800/- from the standing PF balance in the year 1974. In the circumstances the action of the applicants can not be faulted.

The respondents had re-checked the earlier re-conciliation and later found that an amount of Rs. 3248 is due to the applicant. This amount was ready for being passed on for the applicant as on 25-6-93. It would be fair to the applicant if this amount is now paid expeditiously and interest on Rs. 3248 per month allowed on this amount from 1-6-93 till the actual date of payment accordingly direct the respondents to make payment as above within a period of 3 months from the date of receipt of this order.

OA finally disposed of on the above lines. No costs.

P. J. [Signature]

(P.T. THIRUVENGADAM)
Member (A)

cc.