

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 5TH DAY OF JULY, 2001

Original Application No.1318 of 1996

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA,A.M.

Surya Prakash aged about 55 years, Son of  
Late Shri Prabhu Dayal,  
R/o 60/35, Purani Dal Mandi,  
Canal road, Kanpur.

... Applicant

(By Adv: Shri Rakesh Verma)

Versus

1. Union of India through Secretary  
Ministry of Defence,  
New Delhi.
2. The General Manager,  
Ordnance Equipment Factory  
Kanpur.

... Respondents

(By Adv: Ms.Sadhna Srivastava)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA the applicant has prayed that the respondents may be directed to pay the Dearness allowance at the enhanced rate from time to time as per statement shown in Annexure A-5 on the basic pay of the petitioner after adjusting the amount already paid towards Dearness allowance i.e. @ 13% for the period from 23.7.1987 to 15.4.1993 alongwith interest thereon @ 18% per annum.

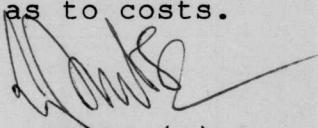
Counter affidavit has been filed by the respondents in paras 6,7 and 8 whereof it has been stated that applicant has been paid enhanced Dearness allowance and a total sum of Rs.62,586/- was paid to him. It has also been stated that after compulsory retirement petitioner has been paid Rs.37,631/- for which he was not entitled.



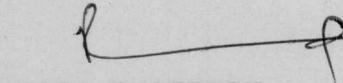
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The petitioner was not entitled and he is liable to refund the same to Union of India. Considering the facts and circumstances of the case we are of the opinion that for settling the dispute raised before us a proper accounting is necessary which can be done by the department only.

The OA is accordingly disposed of finally with the direction to respondent no.2 General Manager, Ordnance Equipment Factory, Kanpur to give the break-up of the entire amount paid to the applicant so that he may file his objection/explanation regarding payments made to him. The respondent no.2 thereafter shall consider the whole matter and pass a reasoned order within two months. If the applicant is found entitled for any further payment it shall be paid to him within one month thereafter. There will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 05.7.2001

Uv/