

Central Administrative Tribunal
Allahabad Bench Allahabad.

Original Application No.1083 of 1998.

Allahabad this the 21st day of January 2004.

Hon'ble Mr. A.K. Bhatnagar, Member-J.

Mohd. Aqeel Siddiqui
retired Senior Goods Guard,
S/o Mohd. Ismail,
R/o House No.1126, Khatibaba
District Jhansi.

.....Applicant.

(By Advocate : Sri M.F. Ansari)

Versus.

1. The Union of India
through Divisional Railway Manager,
Central Railway, District Jhansi.
2. The Senior Account Officer,
Central Railway,
District Jhansi.

.....Respondents.

(By Advocate : Sri A Tripathi)

O R D E R

By this O.A., filed under section 19 of
Administrative Tribunals Act 1985, the applicant has sought
for following relief(s):

- "(a) To issue an order or direction of a suitable nature directing the respondents to release entire amount of P.F. G.F taking all contributions into consideration made at Jhansi Agra and Orai.
- (b) To issue, an order or direction of a suitable nature fixing the salary and pension of the applicant in terms of senior grade as sanctioned by letter dated 8th June 1994, and release the balance immediately.
- (c) To issue an order or direction of a suitable nature directing the respondents to release amount of leave in account due to applicant.
- (d) -----
- (e) -----"

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2. The brief facts of the case are that the applicant retired as Senior Goods Guard from the respondent's establishment on 28.02.1997. The grievance of the applicant is that he was not paid full amount of P.F., G.I.S funds, and leave in account (reimbursement of money) for which the applicant made an application to respondent No.2 followed by a legal notice dated 09.06.1998, but no action was taken by respondents, hence this O.A.

3. Sri M.F. Ansari learned counsel for the applicant submitted that the services of the applicant prior to 1979 has not been considered while releasing funds, as shown in Annexure 2 of the O.A. showing Nil in column 1. It is further submitted by applicant's counsel that although the applicant was given senior grade but the salary of the applicant and pension has not been fixed in terms of sanctioned scale. The applicant was also entitled for encashment of leave as the applicant has not been granted retiral benefits for which he was entitled after his retirement on 28.02.1997.

4. Resisting the claim of the applicant, the respondents have filed counter affidavit against which rejoinder was filed today in the Court. Sri Avnish Tripathi learned counsel for the respondents invited my attention on para 1 of the C.A., & submitted that all the payments as claimed by the applicant in this O.A. has already been made to the applicant, as such the question of making further payments does not arise and so he is not entitled for any interest on the payment which has already been made to him. Inviting my attention on para 9, of learned counsel for the respondents further submitted that so far as the payments regarding P.F. and G.I.S is concerned

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the payment of P.F was made to the applicant on two times as Rs.33987/- at the time of last payment and thereafter the second payment was made to him as Rs.27955/- after checking of the supplementary ledger which was again checked and then it was found that the payment was correctly made to him and no amount is due in his P.F. account. So far as the payment of G.I.S. and Leave encashment is concerned it was enquired and found that the payments have been made to the applicant and nothing is due to him. The details of the payments was also given in para 9 of counter affidavit, which is mentioned below:

1)	NCPF	Rs.26139/-
2)	GIS	Rs. 7848/- passed vide CO 7 No.07697 of 27.02.1997.
		<u>Rs.33987/-</u>
3)	Supplementary NCPF	Rs 27955/- received by Shri Siddique as mentioned in plaint.
4)	DCRG	Rs.74914/-
	L/Salary	Rs.6810/-
	C/Value	Rs.51463/-
	Total	<u>Rs. 133187</u>
	Recoveries of	Rs.9733/-
	(-)	<u>Rs.1,23,454/-</u>

Passed vide CO7 No.530 of 21.01.1998.

5. Learned counsel for the respondents further submitted that as per recommendation of Vth Pay Commission, the applicant's pay was fixed Rs.5875/- from 01.01.1997 in the grade of Rs.4500-7000 (RSRP) and his settlement was revised and following payments were made.

Difference of DCRG	Rs.82,991.00
Vth P/C arrears	Rs. 9,106.00
L/Salary diff.	Rs. 3,362.00
C/Value "	Rs.1,69,829.00
	<u>Rs.2,65,388.00</u>

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Receiving RELHS

Rs. (-) 3,028.00

Rs. 2,62,260.00

Passed by CO 7 No.07/479 of 15.09.1998.

Pension Rs.4408/- (-) C/V Rs.1763/- = Rs.2645/- authorised by Sr. DAO vide this PPO No.CR/104181/127934 and sent Head Quarter.

It is further submitted that the applicant was given higher grade of Rs.1350-2200/- w.e.f. 08.06.1994 and his pay fixation was also done accordingly, as his pay was Rs.1470/- on 08.06.1994 in the grade of Rs.1200-2040/- as Goods Guard. It is also contended that at the time of retirement of the applicant he was due for 37 days LAP in his account for which the leave salary of Rs.6810/- and the leave salary difference Rs.3362/- was sanctioned and given to the applicant and no such payment in his leave account is due any more. Learned counsel finally submitted that as all the payments have duly been paid to the applicant so none of the grounds taken by the applicant have a legal force and O.A. is wholly devoid of merit and is liable to be dismissed.


6. I have heard counsel for the parties at length and perused the pleadings and records carefully. After hearing learned counsel for the respondents, I find force in the arguments advanced by him that all the payments due to the applicant after his retirement were given to him for which the respondents have clearly mentioned in paras 1, 9, 11, 12, 13 and 14 of the O.A. The respondents have shown very clearly giving a chart of mode of payment and the amount paid to the applicant.

7. In view of the above discussions, facts and circumstances, I am of the view that the applicant has already been given payment due to him after his retirement for which a chart-wise reply has been given by the

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respondents, so nothing is left to be considered by the Court. Therefore, the O.A. is dismissed as lacking in merit. In case the applicant is still not satisfied, he may file representation before Competent Authority as per law.

No order as to costs.


Member-J.

Manish/-