

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

O.A. No. 260/00483 OF 2015

CORAM:

THE HON'BLE MR. A.MUKHOPADHAYA, MEMBER(ADMN.)
THE HON'BLE MR. SWARUP KUMAR MISHRA, MEMBER(J)

Srimanta Sahu, aged about 52 years, Son of Late Trithabasi Sahu, At/Po. Purunagarh, District- Deogarh Orissa, at present working as AO (RTS) in the office of DE (Store), BSNL Satyanagar, Bhubaneswar, Dist. Khurda.
.....Applicant

Through Legal practitioner :Mr.N.R.Routray, Counsel

-Versus-

1. Union of India represented through its Secretary, D.O.T, Sanchar Bhavan, New Delhi.
2. Chief General Manager, BSNL Orissa Telecom Circle, Bhubaneswar, Dist. Khurda.
3. Accounts Officer (A&P), office of the CGM BSNL Orissa Circle, Bhubaneswar.
4. Joint Controller Communication Accounts, Orissa, At-CPMG Square Bhubaneswar, Dist. Khurda.

.....Respondents

Through Legal practitioner :Mr.C.M.Singh, Mr.S.K.Pattnaik
and Mr. H.K.Tripathy, Counsel

Reserved on: 13/04/2021

Pronounced on : 25/06 /2021

O R D E R

MR.SWARUP KUMAR MISHRA, MEMJBER (JUDL.)

The Applicant has filed this Original Application, inter alia, praying for quashing the letter No. CA/BSNL/CCA/GPF/2014-15/75 dated 10/02/2015 under Annexure-A/4 and Letter No. AP/7-572/2015-16/16 dated 30/06/2015 under Annexure-A/6 wherein he was asked to deposit the excess GPF advance drawn in July, 2013 along with penal interest.

2. Respondents have filed their counter opposing the prayer of the Applicant and the Applicant has also filed rejoinder. Heard learned counsel for both sides and perused the records.

3. It seen that overdrawing of Rs. 2,58,331/-, out of Rs.7,00,000/- applied and sanctioned towards GPF Withdrawal in favour of the applicant in July, 2013 to meet the obligatory expenses of his daughter's marriage is not in dispute. After the overdrawing was detected, the Applicant was asked to refund the said amount with penal interest as per rules vide letter No. CA/BSNL/CCA/GPF/ 2014-15/75 dated 10/02/2015 under Annexure-A/4 and Letter No. AP/7-572/ 2015-16/16 dated 30/06/2015 under Annexure-A/6 which he has assailed in this OA on the ground that the excess advance paid has already been recouped from his monthly GPF subscription and, thus, he is not liable to pay any amount towards the said excess payment. On the other hand, it is the stand of the Respondents that despite repeated opportunities, the Applicant did not deposit the excess amount taken as advance from his GPF Account during July, 2013 and, thus, he is liable to pay the same with penal interest @ Rs.2.5% as per the prevailing GPF interest rate and as the applicant has in the meantime voluntarily retired from service on 31.01.2020 the excess amount need to be made good from his dues payable after his voluntary retirement. In order to settle the matter opportunity was granted to both sides to file affidavit giving details of due drawn statement of the GPF account of the Applicant. Both the applicant and Respondents have filed affidavit enclosing thereto the General Provident Fund Ledger.

4. We have heard learned counsel for both sides and perused the records. Overdrawing of an amount of Rs. 2, 58,331/- out of Rs.7, 00,000/- applied and

sanctioned of the Applicant is not in dispute. As per the GPF Rules, an employee is liable to pay interest on the overdrawing amount and fact remains the applicant has not refunded the said amount along with interest. The stand of the applicant is that the overdrawing amount has been made good from his monthly subscription amount and, therefore, he is not liable to refund the amount. But the applicant has not produced any such evidence in support of the said stand. It is seen that the amount of advance was sanctioned in his favour during July, 2013 and the applicant retired from service voluntarily on 31.01.2020. Thus, if the said amount was really recovered from his subscription, it is not known as to why the Respondent- Department still insists refund of the amount with interest. In view of the above, we see no justification to quash the letter No. CA/BSNL/CCA/GPF/2014-15/75 dated 10/02/2015 under Annexure-A/4 and Letter No. AP/7-572/2015-16/16 dated 30/06/2015 under Annexure-A/6 wherein he was asked to deposit the excess GPF advance drawn in July, 2013 along with penal interest. However, we observe that as the applicant is a retired employee, the Respondents shall do well to verify the record as to whether any amount from his monthly GPF subscription has been adjusted against the excess payment of GPF advance and intimate result of such verification to the Applicant in a reasoned and speaking order within a reasonable period of time.

5. Accordingly the OA is allowed to the extent as mentioned in para 4.

No costs.

(SWARUP KUMAR MISHRA)
MEMBER (JUDICIAL)

(A.MUKHOPADHAYA)
MEMBER (ADMN.)

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