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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REGISTRATION O.A. NO. 77 of 1988

D.N.Sankhwar

.....

Applicant

Versus

Union of India & others

.....

Respondents.

Hon'ble D.S.Misra- AM
Hon'ble G.S. Sharma-JM

In this petition under section 19 of the Administrative Tribunals Act no.XIII of 1985, it is alleged that the applicant was formerly working as an Auditor in the office of Defence Accounts Controller, Central Command Meerut and worked there upto 30.4.1981 and thereafter joined U.P. Forest Corporation. A sum of Rs. 6077/- has been claimed by the applicant as his Provident Fund deposit and another sum of Rs. 4000/- has been claimed by him on account of Group Insurance. He has also claimed ^{interest &} at the rate of 12% per annum. Show cause notice was ordered to be issued to the respondents in this case and the respondents have stated in their reply that the applicant had resigned his post w.e.f. 30.4.1981 and on the acceptance of his resignation, he became entitled to get refund of his Provident Fund as well as a sum of Rs. 235/- paid by him as contribution towards the Central Government Employees Insurance Scheme from June, 1977 to April, 1981. The amount of Rs. 4000/- claimed by him is incorrect. The bill for

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Rs. 7663/- in respect of the dues of the applicant was finalised and forwarded to the Joint C.D.A. with a request to recover the outstanding dues from the petitioner. The petitioner had paid outstanding dues through Bank Draft only on 28.5.1985 and the applicant was required to fulfil other formalities, but he did not care to do so and no further action could be taken in his case. The applicant was called upon to file rejoinder, but despite opportunity, he did not file any rejoinder and none has appeared on his behalf to press his claim today. Sri N.B.Singh, Senior Standing Counsel for the respondents is present and files a Supplementary counter affidavit today stating that a sum of Rs. 6,077/- was paid to the applicant on 21.4.88 as full payment of his provident fund vide copy of receipt Annexure-SCA-I and Bank Draft of Rs. 235/- was forwarded on 25.4.1988 to the applicant which has not been returned by him. It is, therefore, presumed that the applicant has received the amount of Bank Draft as well as Provident Fund money alleged to have been paid by the respondents to him. Shri Singh has explained before us that the delay in payment was made due to the applicant himself and not by the respondents. He is thus not entitled to any interest.

2. In view of the considerations, we feel that the claim of the applicant ^{has been} satisfied out of the court and he is not entitled to any ¹ further relief. This petition is accordingly dismissed as having become infractuous.

[Signature]
MEMBER(J)

[Signature]
MEMBER(A)

Dt/16.11.1988/