

GENERAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1058 of 1995

Allahabad this the 27th day of April, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Nizamuddin, Son of Sri Jamiluddin, resident of
village Gopatpur Tehsil Handiya, District
Allahabad.

Applicant

By Advocate Shri P.K. Asthana
& Shri N.L. Srivastava,

Versus

1. Divisional Railway Manager, Northern Railway, Allahabad.
2. General Manager, Northern Railway, Baroda House, Rail Bhawan, New Delhi.
3. Union of India through Secretary, Ministry of Railway, Rail Bhawan, New Delhi.

Respondents

By Advocate Shri S.N. Gaur

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

As per applicant's case, he was appointed as Shuntman in the Railway department of Kanpur on 18.4.1950. It was on 18.6.1981 that he fell ill and could not perform his duties. He applied for leave ^{in but} and the leave application for the period between 20.2.1982 to 05.9.83 was not sanctioned and he was subjected to disciplinary

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S.K.I.

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proceedings which ended into his termination from the service, but he has not been paid with dues payable on retirement such as his G.P.F., Leave Encashment, Insurance and unpaid salary for the period he served. The applicant preferred the representations on 02.8.84, 20.6.89 and 07.8.93 but of no avail and, therefore, he has come up seeking direction for payment of his dues.

2. The respondents have contested the case, filed counter-reply with the mention that the service record of the applicant are not traceable. Regarding Group Insurance Scheme, it has been pleaded that this scheme was introduced in January, 1982, whereas the applicant has been removed from service w.e.f. 28.6.81 and, therefore, he could not participated in this scheme. Regarding Provident Fund, there is mention that it has been passed on 07.1.1997 and applicant was directed to collect the same. Regarding other claim, it has been pleaded that after such good long period of time, records are not available.

3. Heard Shri L.M. Singh proxy counsel to Shri P.K. Asthana, counsel for the applicant and Shri S.N. Gaur, counsel for the respondents. Perused the record.

4. It is quite evident from the pleadings of the respondents that order has already been

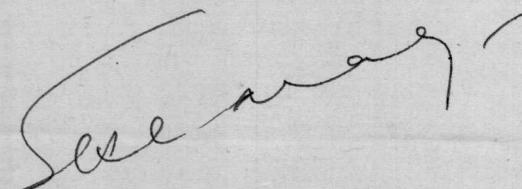
passed for payment of a sum of Rs.1483/- as G.P.F. to the applicant and applicant has been directed to collect the same. In case this amount is still pending, the applicant may approach to obtain the same.

5. For the other claims, the respondents cannot be relieved of their liability simply on the mention that the service record of the applicant are not available and in case the service record of the applicant are not available, his claim should have been accepted as preferred by him except in the case of Group Insurance Scheme which was introduced after removal of the applicant from service.

6. Keeping in view the facts and circumstances of the matter the O.A. is decided with the following direction;

"In case the applicant moves a fresh representation within 4 weeks, same be decided by the respondents within 4 months thereafter and the claim of the applicant be settled within a month after decision on the representation of the applicant."

7. No cost.



Member (J)

/M.M./