

(27)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 04th day of August 2010

Original Application No. 131 of 2002

Hon'ble Mr. S.N. Shukla, Member (A)

Tarkeswar Bharati, S/o Ram Shakeel Bharti, R/o Jhanda Bharti Ki Mathi,
P.O. Rani Bazar, Distt: Ballia UP.

..... Applicant.

By Advocate: Sri P. Giri and Sri B.D. Mishra

V E R S U S

1. Post Master General UP Circle, Lucknow.
2. Director of Account (Postal), UP Circle, Lucknow.
3. Superintendent Department of Post Office Cantt West Varanasi.
4. Union of India through Secretary, Ministry of Communication,
Department of Posts, New Delhi.

..... Respondents.

By Advocate: Shri R.K. Srivastava

ORDER

This OA is filed seeking the following reliefs:-

- "i. issue and order or writ in nature of certiorari to quash the order dated 13.7.2001 Annexure -III for end of justice.*
- ii. Issue an order direction or writ in nature of mandamus commanding the respondents to relevant the amount recovered to the G.P.F. Account No. 72825 to applicant which was erroneously drawn in my balance account.*
- iii. To allow the application through Cost."*

2. The impugned order dated 13.7.2010 is from the Senior Account Officer G.P.F. to the Post Master Varanasi Cantt to the effect that the G.P.F. Account of the applicant has been finalized and a recovery of Rs. 2861/- was to be made from the retiree for the following reasons:-

- a. An advance of Rs. 1500/- which was drawn by the applicant in October 1981 was not taken into account at that time.

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- b. An advance of Rs. 5000/- drawn on November, 1996 was also not taken into account during 1996-97.

Further the applicant while verifying his annual GPF balance did not point out the omission deliberately as it suited him.

3. Learned counsel for the applicant on the other hand states that he was not been furnished full statement of his GPF account at the time of his retirement and that under coercion that he paid back the amount of Rs. 2861/- as demanded by so that his remaining dues may be cleared. Learned counsel for the applicant further submits that his grievance may be redressed if respondents are directed to provide him full copy of statement of account so as to enable him to either accept the contention of the department or contest it effectively.

4. Learned counsel for the respondents on the other hand pointed out Annexure 1 onwards of the counter affidavit where the statement of account starting from the financial year 1996-97 to 1999-00 have been annexed as having been provided to the applicant alongwith other employees.

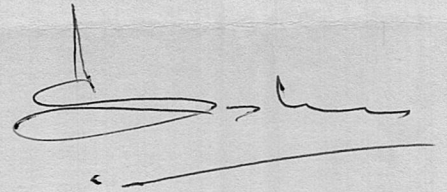
5. Heard learned counsel for the parties. The applicant having accepted the demand of recovery raised by the department and having paid the same, the of preponderance of probability indicates that as an afterthought he decided to contest the issue.

6. On the basis of material available on record by way of OA, counter affidavit and rejoinder affidavit it is not possible for this Tribunal to come to

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any conclusion since the issue essentially relates to examination of old records. Considering that the applicant had accepted the demand notice of the department of refunding the amount it would appear that there is no case for granting him relief in absence of any specific evidence of discrepancy in the accounts having been highlighted by the applicant. Learned counsel for the applicant, has requested that he be provided with full statement of GPF account by the department. This information can easily be obtained by him from the department by invoking RTI if so advised. No point will be served by keeping this litigation alive at this end. OA is therefore dismissed as alternative remedy is available to the applicant. No cost.

/pc/



Member (A)