

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO. 603/02

TUESDAY THIS THE 29th DAY OF APRIL, 2003

HON. MRS. MEERA CHHIBBER, MEMBER(J)

Muni Lal,  
s/o Late Mangru Ram,  
r/o Tarapur,  
P.o Moghalsarai  
Dist:- Chandauli. .... ..Applicant.

By Advocate:-Shri S.K.Dey and Shri S.K.Mishra

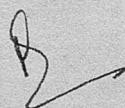
Versus

1. Union of India through the General Manager, Eastern Railway, Calcutta-1.
2. Divisional Railway Manager, Eastern Railway, Moghalsarai.
3. Divisional Railway Manager Eastern Railway, Dist - Patna. ... ...Respondents.

By Advocate:-Shri K.P.Singh

O R D E R

In this O.A notices were accepted by the respondent on 1-10-2002 but in spite of taking several opportunities counter affidavit has not been filed till date. On 23-1-2003 respondents were given one last opportunity to file counter affidavit within four weeks but till date respondents have not filed their counter affidavit. Counsel for the respondents was again seeking further time to file the counter affidavit but since this matter relates to the provident Fund and Leave encashment and it was specifically stated by the applicant's counsel



that applicant had already submitted a representation to the authorities which had not been decided. I think no point would be served by giving any further time to the respondents and this O.A can be decided at the admission stage itself in the absence of counter affidavit.

2. It is submitted by the applicant that he entered in Railway Service on 11-4-1998 in LocoShed Moghalsarai under the control of Danapur Division. In 1978 Danapur Division was devived and Moghalsarai Division came into existence. It is submitted by the applicant that even though Provident Fund subscription was recovered right from his appointment till his retirement ~~but~~ he was given only an amount of Rs. 875/- by way of provident fund after he retired on 31-7-1994. Similarly he was paid leave encashment for 59 days only even though he had sufficient leave in his account and ought to have been paid leave encashment for 240 days (Annexure A-5).

3. Grievance of the applicant is that his Provident Fund Account and Leave encashment account from 1958 to 1978 was maintained at Danapur Division which was shifted in 1979 but it seems his Provident Fund Account and Leave Account was not transferred to the Moghalsarai Division. It is further submitted by him that in the year 1978-79 his Provident Fund Account number was changed. The amount was deposited vide account number 700684 wherein the



previous balance amount was not shown. Therefore being aggrieved he had even given a representation dated 3-2-2001 to the DRME Railway, Moghalsarai and DRME Railway Danapur as well, for not payment of proper provident fund account and due leave salary which according to applicant has not been disposed of till date.

4. I have heard the applicant's counsel and perused the pleadings as well.

5. Respondents have not filed their reply so far but since there is specific averment made by the applicant that Divisions had been bifurcated in the year 1979 and his earlier record has not been taken into account while settling his dues. I think it would be in the interest of justice if this matter is decided by giving a direction to the respondents to consider this O.A itself as applicant's representation and decide the same by passing a reasoned and speaking order within a period of three months from the date <sup>of</sup> receipt of a copy of this order under intimation to the applicant .

6. With the above directions if the respondents come to the conclusion after verification of records that any other amount is due to the applicant on Account of his Provident Fund or leave encashment, the same should also be disbursed to the applicant within a reasonable period. With the above directions this O.A

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is disposed of with no order as to costs.



Member (J)

Madhu/