

Open Court.

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.**

ORIGINAL APPLICATION NO. 1404 OF 2003

THIS THE 3rd DAY OF March, 2005.

HON'BLE MR. K.B.S. RAJAN, MEMBER(J)

Mahesh Chandra Srivastava,
S/o late Laxmi Kumar,
R/o 598-A, Shastri Nagar,
Allahabad.Applicant.

By Advocate: Sri S.K. Om.

Versus

1. Union of India, through the General Manager
North Central Railway, Allahabad.
2. Senior Divisional Finance Manager, N.C.R.,
Railway, Allahabad.
3. Divisional Personnel Officer, N.C.R., Allahabad.

.... Respondents.

By Advocate: Sri R.C. Joshi (absent)

O R D E R (ORAL)

It is stated on behalf of the respondents that right from 1991-92 there had been certain overpayment of GP Fund by way of advance but these were not debited to the PF account. Calculation Sheet at C.A. 3 refers. PF statement is ~~made~~ ^{properly} annually and made available to the subscriber of the Fund account and he is expected to point out the mistake either in the form or missing credit or wrong calculation of interest or for that matter even missing debits. Again, it is the usual practice that there would be internal audit at periodical intervals, may be every biennial or quadrennial cycle and any discrepancy found is rectified at the earliest after due notice

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to the individual concerned. This does not appear to have taken place. The concerned official who has failed in his duties in not properly maintaining the Provident Fund account of the applicant is liable to be proceeded against. At the same time, if the withdrawal were true, which prima facie appears so from the copies of receipts given by the applicant at the time of such drawal, vide CA 4 to CA 13, and such withdrawal was not reflected in the P.F. Statement which the applicant should have been getting every year, it is surprising that the non debiting of the amount PF statement was not brought to the notice of the Accounts/Admin authorities by the applicant. After all, the applicant has such a responsibility especially taking into account the fact that he was employed in a responsible post and he was not an illiterate or semi literate. To arrive at the exact position verification of the entire accounts is a must. This Tribunal cannot undertake the verification of such accounts for the past decade plus nor could it pass an order either way without making such verification. For the purpose of resolving the issue, the respondents should undertake an exercise of verifying the original application forms, and sanction for such advances (presumably non refundable advances or what is called Final Withdrawals) and prepare a detailed statement and make available to the applicant so that he may also verify from his documents as to the accuracy of the calculation. The applicant shall cooperate in this regard and he should visit the

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concerned office of the respondent and assist them in the preparation of the accounts after verification of the original sanction order for various advances. If the withdrawal in excess of the available credit balance in the P.F. Is found to be true, obviously the applicant cannot claim that he is due a huge amount. In the event of the excess payment being found to be true, the official responsible for proper maintenance of the PF account be proceeded departmentally. If there be no excess payment, apart from paying the withheld amount, the respondents shall also pay interest at the rate of 6% for a period from the month of July 2003 till the actual date of payment. The entire exercise should be completed within a period of three months from the date of certified copy of this order is produced before them.

2. The OA is finally disposed of with the above directions. In case, if any, grievance subsists, the applicant is given liberty to revive O.A. by moving Misc. Application No order as to cost.


MEMBER (J)

GIRISH/-