

OPEN COURT

CENTRALL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO. 1268 OF 2006

ALLAHABAD THIS THE 20TH DAY OF August, 2010
Presents

HON'BLE MR. D.C.LAKHA, MEMBER-A

Govind Lal Das,
Son of Late Keshav Lal Das,
Aged about 62 years,
R/o 850-B, Smith Road,
Allahabad,

-----Applicant.

By Advocate: Shri S.S. Sharma

Versus

1. The Union of India through The General Manager,
North Central Railway,
Headquarters Office,
Allahabad.
2. Divisional Railway Manager,
North Central Railway,
D.R.M. Office,
Allahabad.
3. Senior Divisional Finance Manager,
North Central Railway,
D.R.M. Office,
Allahabad.

----- Respondents.

By Advocate: Shri A.K.Sinha.



ORDER**(BY: HON'BLE MR. D. C. LAKHA, MEMBER-A)**

Heard Shri S.S. Sharma, learned counsel for the applicant and Shri A.K. Sinha, learned counsel for the respondents.

2. This O.A has been preferred to seek following relief (s):

- “8.1 That the Hon'ble Tribunal may graciously be pleased to direct the Divisional Railway Manager, N.C. Railway, Allahabad and the Senior Divisional Finance Manager, N.C. Railway, Allahabad, Respondents Nos. 2 & 3 respectively to make payment of Rs. 43,818/- the balance amount of Provident still due to be paid to the Applicant after his retirement from railway Service on 29-02-2004.
- 8.2 That the Hon'ble Tribunal may graciously be pleased to direct the Respondents to pay Incentive Bonus @ 1% on the entire balance of Provident Fund i.e. Rs. 7,57,338/- to the Applicant as he did not withdraw any amount from his Provident Fund Account during his service for the period from 03.02.1964 to 29-02-2004 i.e. upto the date of retirement.
- 8.3 That the Hon'ble Tribunal may graciously be pleased to direct the Respondents to pay interest @ 12% per annum compounded annually on the amount of Rs. 43,818/- the balance amount of Provident Fund still due to be paid to the applicant and on the amount of Incentive Bonus @ 1% on the entire amount from the date it is due to the date it is actually paid to the Applicant.
- 8.4 That the Hon'ble Tribunal may graciously be pleased to allow heavy cost in favour of the Applicant in this case.
- 8.5 That the Hon'ble Tribunal may graciously be pleased to pass any other order or direction as may deem fit and proper in the facts and circumstances of the case.”

3. The facts in brief are, as for the statement of learned counsel for the applicant in support of the O.A, that the applicant Shri G.L. Das has been working at different places from his date of appointment i.e. 03.2.1964 and ultimately retired from the railway service as Executive Engineer/Track Planning from Headquarters Office North Central Railway, Allahabad on 29.2.2004. It is submitted on behalf of the applicant that he has been contributing to the Provident Fund from the year 1966. When he came to know about the irregularity in the amount being deducted, and being aggrieved, he has been putting up




the representation to the department to settle the discrepancy. From time to time he has been putting up the representations to the concerned authority for the same. But the amount of Provident Fund could not be finally reconciled to his satisfaction even, after submitting the representation after retirement. The latest representation submitted by him is 6.1.2006 which has not been disposed of. In para 4.16 of the O.A. it is stated that the amount of P.F. be paid to the applicant is Rs. 7,57,338/- only but the amount paid to him is Rs. 7,13,520/-only. The balance amount due to applicant is Rs. 43,818/-. In support of this averment, year wise statement has been annexed at annexure A-3 (Page-25).

4. In the counter reply the claim of the applicant has been refuted on the basis that his representation dated 14.8.1997, even if not disposed of, was deemed to have been rejected after the expiry of six months. The applicant should have file the O.A. within one year thereafter. Instead of doing so he has been filing representation time and again seven representations on different dates up to 24.2.2006 have been filed. Hence, the O.A. is barred by limitation. It is also contended in the counter reply that the applicant never gave any figure of correct amount of Provident Fund account made incorrectly by the respondents. Above representations and applications are vague and incorrect whereas, he had sought relief for heavy amount of interest @ 12%, in addition to this 1% incentive bonus is also claimed. This claim is not permissible in the O.A.

5. In order to controvert the contention in the counter affidavit the learned counsel for the applicant has submitted Rejoinder Affidavit. It is stated that if the discrepancy is not resolved till the time of retirement it does not lapse as it is the claim as a matter of right of the retired employee because in the Provident Fund whatever contribution is paid, is his own money and as per the claim of the applicant the interest and incentive is permissible.


6. For this the applicant has been putting up the representations even after the retirement and when the last representation was not considered, then the present O.A. was filed.



7. During the course of hearing the learned counsel for the respondents has pointed out that from time to time reply was being given to the applicant about the Provident Fund. Since there have been more than one representation, the situation has become slightly fluid and confusing. He has submitted that if the applicant puts up a detailed and comprehensive representation in respect of outstanding payment of Provident Fund the matter may again be considered by the respondent i.e. respondent No. 3/ Senior Divisional Finance Manager, North Central Railway, D.R.M. Office, Allahabad.

8. In view of the above facts and statements of both the counsels, the respondent no.3/Senior Divisional Finance Manager, North Central Railway, D.R.M. Office, Allahabad, is directed to look into this matter afresh. For this purpose a detailed and comprehensive representation shall be submitted by the applicant in respect of his claim, within a period of one month from the date of receipt of certified copy of this order. On receipt of the representation by the applicant, respondent no. 3 shall consider the same, taking in view the facts of the case, and dispose of the same by passing a reasoned and speaking order within a period of three months from the time of the date of receipt of the copy of the representation. The copy of the order be given to the parties immediately. While deciding the matter the O.A. shall also be treated as part of the fresh representation.

9. With the above direction, the O.A. stands disposed of. No order as to costs.


Member (A)

/Shashi/