

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD

THIS THE 7th DAY OF February 2011

HON'BLE MR. JUSTICE S. C. SHARMA, MEMBER (J)

Original Application No. 703 OF 2007
(U/S 19, Administrative Tribunal Act, 1985)

S.N. Pandey, (MES-400150), Ex Assistant ACP from GE (AF) Bamrauli, Allahabad and Resident of Village- Kishunipur, PO- Zamania, District-Ghazipur.

.....Applicant

VE R S U S

1. Union of India, through the Secretary, Ministry of Defence, DHQ, PO-New Delhi.
2. The Engineer-in-Chief, Army Headquarters, Kashmir House, DHQ, PO-New Delhi-11.
3. The Chief Enginer, Head Quarters Central Command, Lucknow-2.
4. Garrison Engineer (Air Force) Gorakhpur.
5. Garrison Engineer (Air Force) Bamrauli, Allahabad.
6. The Controller of Defence Accounts (Funds) Meerut.
7. The Principal Controller of Defence Accounts Central Command, Lucknow.

.....Respondents

Present for the Applicant: Col. S.D. Tiwari

Present for the Respondents: Sri R.D. Tiwari

O R D E R
(DELIVERED BY HON'BLE MR. JUSTICE S.C. SHARMA, MEMBER (J))

Instant O.A. has been instituted for the following
reliefs:-

"(i). To issue a order or direction
commanding the respondent to make

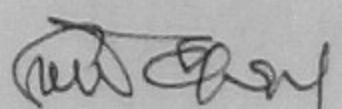
payment of outstanding amounts of retiring benefits and other emoluments, in a stipulated time frame preferably within a period of two months with 18% interest with effect from 31.12.2001.

(ii). To issue a suitable order or direction commanding the respondents to allow the interest at the rate of 18% interest with effect from 31.12.2001 on account of delay on amounts of retiring benefits which have been partly paid to the applicant."

2. It has been alleged by the applicant that he was a Central Government Civilian employee in M.E.S. and worked as Lower Divisional Clerk and retired as Assistant ACP on 31st December, 2001 after putting about 38 years of service. That in the year 1991-92 applicant was implicated under false and fabricated charge sheet and applicant sought certain clarification on certain arbitrary orders passed by the respondents and on it they become angry from the applicant and started harassment of the applicant. The applicant was suspended during the period January, 1992 to April 1992 during this period the efficiency of the applicant was also stopped and efforts were made by the Garrison Engineer to harass the applicant and teach

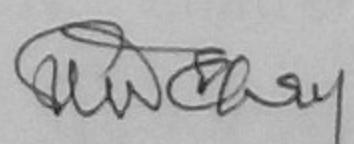
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him a bitter lesson physical harassment and mental agony of the applicant need to be compensated. And during the period of suspension an amount of ₹3093/- was claimed but only sum of ₹216 was passed. The balance amount of ₹2877/- was still outstanding which need to be paid to the applicant with 18% interest per annum. That till December, 2006 the amount on account of G.P.F. in respect of the applicant was also outstanding even after lapse of six years of his retirement details have been furnished in the application that this amount is also required to be paid alongwith interest. An amount of ₹1,000 was arbitrarily deducted and this amount is also required to be paid with interest. That an amount of ₹1,000/-is also outstanding on account of L.T.C. and that of ₹2,877/- on account of pay and allowances for the period of suspension i.e. January, 1992 to April, 1992 but the payment of above mentioned outstanding amount has not been made till date. That a sum of ₹58,317/- was due for leave encashment of 300 days. And out of this amount on the leave encashment of 196 days have been paid and the balance amount of 104 days is still outstanding. The retiral benefits of the applicant were not paid at the earliest without delay and hence the applicant is



entitled for interest on that amount that the applicant retired on 31st December, 2001 and there is no justification for not paying the amount till date. Representations were sent to the respondents for early payment but respondents did not pay any heed and hence the O.A..

3. Respondents contested the case and filed Counter Reply. It has been alleged that in the year 1993 the applicant was appointed as Lower Divisional Clerk. He was suspended w.e.f. January, 1992 to April, 1992. The applicant has claimed for payment of outstanding amount of G.P.F. by his representation and the applicant retired from service on 31st December, 2001. Vide letter dated 12th April, 2005 applicant prayed for payment of outstanding dues to the Chief Engineer, Headquarters, Central Command, Lucknow. An O.A. No. 1113 of 2005 was also filed and it was decided on 25th October, 2005 and direction was given to decide the representation of the applicant. And the representation of the applicant was decided on 22nd February, 2007 by a reasoned and speaking order by the respondents. It has further been alleged that the supplementary pay bill for ₹6,391/- bearing voucher dated 25th May, 1992 was forwarded to CDA Central Command Lucknow on revocation of suspension. But the bill was passed only for sum of ₹216/- and this amount was paid

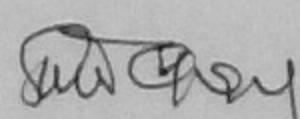


to the applicant again the bill for ₹6,391/- was got passed and paid to the applicant demand draft No.068/04 dated 04th August, 2003 hence nothing is outstanding. That no recovery of G.P.F. was made in the month of January, 1992 and February, 1992. This amount was recovered through voucher dated 25th May, 1992, the missing G.P.F. subscription for the month of January to April, 1992 amounting to ₹3,200/- has been credited to the applicant by way of incorporating under batch No.219 of 10/06 and the contingent bill was prepared and send to Audit authority and which has been passed for ₹14,176/- and the money had already been send by Demand Draft. That regarding ₹2,000/- it has already added in the BOCC and hence nothing is outstanding and that the subscription of ₹2196/- @ ₹1201/- action has been initiated by the CDA, Patna that no amount of L.T.C. as alleged is outstanding and in case the applicant has any documentary evidence he may produce the same. The amount of encashment has already been paid and as nothing is outstanding hence the O.A. is liable to be dismissed.

5. I have heard Lt. Col. Mr. S. D. Tiwari, Advocate for the applicant and Mr. S. N. Chatterji, Advocate for the

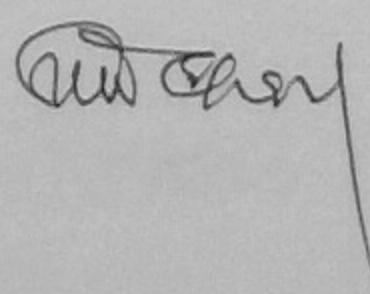
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respondents and perused the entire facts of the case. From the perusal of the pleadings of the parties it is evident that there is certain outstanding amount which has not been paid to the applicant on his retirement i.e. on 31st December, 2001. It has been alleged by the applicant that a deduction has been made in the amount of G.P.F. and alleged that a sum of ₹3,200/- is outstanding and is to be paid with interest @ 18% per annum. Further a sum of ₹14,176/- is outstanding of G.P.F. and need to be paid to the applicant w.e.f. 31st December, 2001 to January, 2007 with interest of this period. A sum of ₹6,800/- has been credited or paid from the total amount of ₹8,000/- and balance amount of ₹1,200/- is to be paid with interest. And in the year 1995-96 an amount of ₹1,201/- is outstanding and this amount is need to be paid alongwith interest there is an amount of ₹1,000/- towards the L.T.C.. It has been alleged by the respondents that an amount of 6,077/- was sent by demand draft but the same was not received. That a sum of ₹58,317/- was due for leave encashment of 300 days. And out of this amount of the leave encashment of only 196 days have been paid and the balance amount of ₹33,762/- of 104 days is still due and it is to be paid and interest is due on this amount. It has been alleged by the respondents that the entire



amount as claimed by the applicant had already been paid and nothing is outstanding.

6. I have perused the details of outstanding amount as alleged by the applicant and also the allegations of the respondents in this connection. The matter pertains to calculation and whatever, was due to the applicant was not paid to the applicant and admittedly he retired from service on 31st December, 2001 and during the period of one year it can be presumed that the amount may be paid but after 31st December, 2002 the applicant is entitled for interest @ 9% per annum as the matter pertains to calculation and under these circumstances it will be just and proper to give a direction to the applicant to file the details of the outstanding amount and whatever has been paid to him subsequently alongwith particulars. And, thereafter, respondents shall peruse the representation of the applicant and compared with their own balance sheet and they will assess that how much amount is outstanding and may be settled amicably by the parties. And the matter is required to be settled by negotiation by the parties. In my opinion the outstanding amount of a retired employee is to be paid within a period of one year from the date of retirement and hence the applicant is entitled for 09% interest per annum.

A handwritten signature in black ink, appearing to read "Anil Chauhan".

7. For the reasons mentioned above I am of the opinion that the O.A. deserves to be allowed to the effect that a detailed representation shall be submitted by the applicant within a period of month mentioning that how much amount is paid to him and how much amount is outstanding. On receipt of the representation respondents shall try to settle the matter after comparing the same with their own balance sheet and they will come to the conclusion that how much amount is actually outstanding of the applicant on his retirement and the particulars shall be furnished to the applicant about the actual payment and the outstanding shall be paid alongwith interest @ 09%.

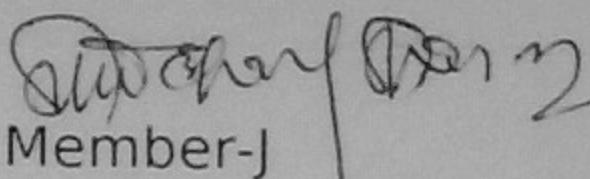
8. O.A. is allowed partly. ^AApplicant is directed to file a detail representation to the respondents mentioning that how much amount was due on retirement and how much amount was actually paid by the respondents after his retirement and how much actually outstanding and this outstanding amount shall be paid by the respondents ^{PA.} alongwith interest @ 09%. ^{PA.} On receipt of the representation respondents shall settle the matter by comparing with their own record within a period of three months from the date of receipt of representation. Regarding exact amount due and proper reply shall be given to the applicant within two months about the outstanding amount and the payment, if

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any, shall be paid to the applicant alongwith 09% interest.

Respondents shall ensure the payment within that period.

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Member-J