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Central Administrative Tribunal
Cuttack Bench, Cuttack.

Original Application No. 641 of 1992.

Date of decision: January 18, 1993.

Prafulla Kumar Das Petitioner

Versus

Union of India and others Opp. Parties.

For the Petitioner .. M/s I.C.Dash, and P.C.Misra,
Advocates.

For the Opp. Parties .. Mr. Akshya Kumar Misra, Addl.
Standing Counsel (Central)

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CORAM:

THE HONOURABLE MR. K.P.ACHARYA, VICE CHAIRMAN

AND

THE HONOURABLE MR. S.R. ADIGE, MEMBER (ADMINISTRATIVE)

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? No
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P. ACHARYA, V.C.

This case lies within a very short compass.

The Petitioner Shri Prafulla Kumar Das retired on superannuation from the Post of Sub Postmaster, Shelter Chhak Post Office on 30th November, 1987. As usual ^{habit} that of a Government servant, the petitioner had made his contribution to the General Provident Fund. On retirement, the Petitioner naturally wanted the entire amount lying to his credit to be paid to him. Grievance of the petitioner is that neither his G.P.F. money nor his 20 per cent gratuity money has been till now paid, On the ground that the petitioner has made certain overdrawal from his G.P.F. Account. The Petitioner made certain representations for clearing his gratuity money and GPF amount which did not yield any fruitful result. Vide Annexure 15 the Sub Postmaster of Tulasipur was directed that there being a ~~minus~~ balance of Rs. 3,128/- against the present Petitioner in regard to his GPF amount. Recovery of Rs. 500/- should be made every month from the interim relief payable to the petitioner with effect from November, 1992. Hence this application has been filed with a prayer to quash Annexure 15.

2. It was directed by the learned Single judge to list this case before the Division Bench for Admission and Hearing and therefore, this case has come up for admission and hearing. The learned single judge had stayed ~~realisation~~ of any amount from the petitioner
leav vide his order dated 21st December, 1992.

3. Miscellaneous Application No.33 of 1933 has been filed on behalf of the Opposite Parties to vacate the stay order. M.A. No.3/93 has been filed by the petitioner for a direction to the Opposite Parties for production of records. M.A. 21 of 1993 has been filed on behalf of the Opposite Parties to grant time to file counter. Though Mr. Akshya Kumar Misra, learned Additional Standing Counsel (Central) heavily pressed on us to grant an adjournment to him to file counter, we did not feel inclined to accept his request because ^{of} the order we propose to pass in this case.

4. We have heard Mr. I.C.Dash learned counsel appearing for the petitioner and Mr. Akshya Kumar Misra, learned Additional Standing Counsel (Central). Mr. Dash learned counsel appearing for the Petitioner on instructions from his client who is present in court, submitted that Opposite Parties have taken a stand that the petitioner had drawn Rs.1200/- from his GPF account as a temporary withdrawal and during the year 1980-81, the petitioner has also drawn Rs. 977/-, Rs. 632 and Rs. 502 from his GPF Account. According to the Petitioner he had not drawn the items mentioned above namely Rs.1200/- and Rs. 977/-. The Petitioner further submitted that some other employees' withdrawal has been mentioned in the books of account by mistake. Further case of the petitioner is that he had drawn Rs. 632/- and Rs. 502/- but that has been recouped which would be evident from the paid vouchers and the acquittance roll. These are matters of record and it could be settled by the competent authority over his own table. Therefore, we would direct the

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petitioner to file a detail representation before the Deputy Director (Accounts) Postal, Cuttack who would call for the withdrawal applications said to have been filed by the petitioner in respect of Rs.1200/- and Rs.977/- and show them to the petitioner. If those applications contained the signature of the petitioner then he is bound to carry the load regarding withdrawal of Rs.1200/- and Rs.977/-.

In case in those applications, the signature of the petitioner does not find place, then the aforesaid amount should not be ~~shattered~~ maddled over the petitioner. So far as the amount of Rs.632 and Rs.502 are concerned, the paid vouchers and the acquittance roll be called for from the relevant offices by the Deputy Director Accounts (Postal), Cuttack and it should be made available to the petitioner for his inspection so that he will be able to convince the Deputy Director Accounts (Postal) with regard to those documents that such money has been paid by the petitioner and such money has been recouped. Accordingly the total amount, if any, withdrawn by the petitioner should be calculated and a reasoned order be passed. In case the Petitioner is entitled to get ^{back} his GPF money and gratuity, necessary orders should be passed by the competent authority allowing him to draw the gratuity money and other retiral benefits to which the petitioner is entitled as per rules. We hope and trust, this process ~~should~~ be completed within 90 days from today. The petitioner should file a detail representation before the Deputy Director Accounts (Postal), Cuttack within three weeks from today. Till the

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matter is finalised, realisation should not be made from the petitioner.

5. In view of the aforesaid order passed in Original Application No. 641 of 1992, no further order is necessary to ^{be} pass^{ed} in M.A. 33/93, M.A. 3/93, and M.A. 21/93. They ^{are} disposed of accordingly.

6. Thus, the Original application is accordingly disposed of leaving the parties to bear their own costs.

Pr. Mohanty
MEMBER (ADMINISTRATIVE)

K. Mohanty 18/1/93
VICE CHAIRMAN

Central Admn. Tribunal,
Cuttack Bench, Cuttack
K. Mohanty/18.1.93

