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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 464/96
Cuttack, this the 7th day of February, 1997

Jyoti Prasad Patra

...

Applicant

Vrs.

Asst. Controller of Defence Accounts & anr.... Respondents

(FOR INSTRUCTIONS)

- 1) Whether it be referred to the Reporters or not?
- 2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?


(N. SAHU) 7/2/97
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH;CUTTACK.

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ORIGINAL APPLICATION NO. 464 OF 1996

Cuttack, this the 7th day of February, 1997

CORAM:

HONOURABLE SHRI N.SAHU, MEMBER(ADMINISTRATIVE).

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Jyoti Prasad Patra, son of
Sri Chakradhar Patra,
resident of 81, Kharvela Nagar,
Unit-3, Bhubaneswar-751001 (Orissa) and
last employed in the office of the Chief
Resident Inspector, Directorate of Technical
Development and Production (Air), Ministry of
Defence (Department of Defence Production & Supplies),
Bangalore-560 017 Applicant

-versus-

1. Asst.Controller of Defence Accounts,
Area Accounts Office, Ministry of Defence,
Bangalore-560 042.
2. Additional Director, Directorate of Technical
Development & Production(Air), Ministry of
Defence (Department of Defence Production & Supplies),
Bangalore-560 017. Respondents.

Applicant was heard in person.

Advocate for Respondents - Mr.Ashok Mohanty.

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O R D E R

N.SAHU, MEMBER (ADMN.)

The applicant worked as a Junior Engineer, Group B Non-Gazetted at National Sugar Institute, Ministry of Food, Kanpur. His P.F. Account No. was NSI/FOOD/Kanpur/335 maintained by the Controller of Accounts, Ministry of Food, New Delhi. There were GPF deductions for the financial year 1991-92, 1992-93 and 1993-94. Annexure-A/2 shows the balance of Rs.4,187/- for the financial year 1992-93. Annexure-A/3 is a salary statement which indicates a GPF deduction of Rs.200/- during April, 1993. The applicant was relieved of his duties from NSI, Kanpur on 6.1.1994 and reported for duty in the office of the Chief Resident Inspector, Ministry of Defence on 15.1.1994. It is stated at Annexure-4 that the period from 6.1.1994 to 15.1.1994 was to be treated as joining time without pay. It is averred in the petition that his service Book and LPC were received by the office of the Chief Resident Inspector DTD & P (Air), Ministry of Defence, Bangalore in February, 1994.

2. The applicant noticed that there was no deduction from GPF from 15.1.1994 to 28.12.1994. It is stated in the counter that his services were terminated on 28.12.1994. During the period of 347 days with the Ministry of Defence, the applicant remained on leave for 202 days. It was only very late in September, 1994, the Joint Controller of Accounts (Funds) Meerut Cantt. allotted to the applicant a P.F.No.963980. The applicant was absent from duty from 7/1994 to 4.12.1994 and it is stated that he was not eligible for pay and allowances during this period of service. His services were eventually



terminated on 28.12.1994. Thus there was no deduction by the office of C.A.R.I., Bangalore.

3. It is stated in the counter affidavit that the applicant after joining the Ministry of Defence "ought to have taken initiative and approached the former employer for payment/transfer of the accumulated GPF if any." This attitude of the Respondents cannot be defended. The applicant was in their Establishment. Admittedly his Service Book and LPC were received by the defence employer in February, 1994 as per Annexure-5. A new PF account was also allotted. It is incorrect to fasten the liability on the employee to get his PF account transferred from the Ministry of Food. I would, therefore, direct the Respondents to have the GPF accounts transferred from the Ministry of Food. It is another matter if the new employer stated that no pay is admissible during the period of service and as such there was no need to deduct; that is altogether a different matter. But to the extent pay is admissible, the new employer is obliged to deduct under the law a statutory percentage of P.F. and then bring forward the balance lying in the old PF account of the employee with the Ministry of Food, add interest to the same, determine what amount of GPF is to be deducted from the pay particulars in any of the months in which salary is due to the applicant during his service from June 1994 to December, 1994, add to it the amount so deducted ~~from the GPF balance~~ and pay

[Signature]

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the balance with statutory interest within a period of four months from the date of receipt of this order.]

4. The application is allowed. No costs.

Narasimhaiah
(N.SAHU)
MEMBER (ADMINISTRATIVE)

Nayak, PS