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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 256 OF 1999.

Cuttack, this the 10th day of January, 2000.

GIRIJASHANKAR SRICHANDAN MOHAPATRA. APPLICANT.

- VERSUS -

UNION OF INDIA & OTHERS. RESPONDENTS.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? Yes,
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

Somnath S. S.
(SOMNATH S. S.)
VICE-CHAIRMAN
10.1.2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 256 OF 1999.

Cuttack, this the 10th day of January, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, MICE-CHAIRMAN.

IN THE MATTER OF:

SHRI GIRIJASHANKAR SRICHANDAN MOHAPATRA,
Aged about 49 years, S/o Late Bainsidhar
Mohapatra, At/Po. Atharanki, Ps. Paradeep,
Via. Kujang, Dist. Jagatsinghpur (Orissa),
now working as an "Assistant Teacher",
in South Eastern Railway School, Paradeep.

... PETITIONER.

BY LEGAL PRACTITIONER :MR. SUBASH CH. DAS,
Advocate

- VERSUS -

1. The Union of India, represented through the General Manager, South Eastern Railway, Garden Reach, Calcutta.
2. The Divisional Railway Manager, South Eastern Railway, Khurda Road Division, At/Po. Jatni, Dist. Khurda.
3. The Senior Divisional Personnel Officer, South Eastern Railway, Khurda Road Division, At/Po. Jatni, Dist. Khurda.
4. The Bill Clerk, Cuttack Paradeep Railway School Unit, At-Office of the Senior Divisional Personnel Officer, South Eastern Railway, At/Po. Jatni, Dist. Khurda.

... RESPONDENTS.

BY LEGAL PRACTITIONER: MS. S. L. Patnaik,
Addl. St. Counsel.

O R D E R

(O R A L)

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application u/s.19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the Respondents 2 & 3 to release his Productivity Linked Bonus for the year 1991-92 and his loan from his Provident Fund Account of Rs. 30,000/- within 15 days for his treatment. He has also asked for a direction to the Respondents not to deposit the GPF amount from his salary till his retirement prayer from service. The last is for a compensation amount of Rs. 50,000/- because of delay in sanctioning the GPF and consequent harassment to him.

2. For the purpose of considering this original Application, it is not necessary to go into too many facts of this case. Petitioner has stated in his original Application that he is entitled to Rs. 1565/- as Productivity Linked Bonus for the year 1991-92 while he was serving as an Assistant Teacher in South Eastern Railway, M. E. School, Bondamunda under Chakradharpur Division. Inspite of his various representations, the amount has not been paid to him. That is the basis for his prayer for getting the PL Bonus. His further prayer is about the loan from the Provident Fund Account. In paragraph 4.6. of the Original Application, he has stated that in July, 1998, he applied for a loan of Rs. 30,000/- from his Provident Fund for his ~~cousin~~ sister's marriage but even though he was informed that

S. Som

the loan has been sanctioned, the concerned dealing hand wanted to pay bribe and because the applicant ^{him} ^{has not paid the bribe,} ^{18 Jan.} release of loan was intentionally delayed. That is why, he has come up in this petition with the prayers referred to earlier.

3. Respondents, in their counter, have stated that on 2.5.1999, the applicant has received the P.L. Bonus as also the loan against the provident fund account. Respondents have stated that the applicant applied for Provident Fund loan on 10.3.1999. A copy of the provident fund loan application has been enclosed at Annexure-R/1. Respondents have stated that as the amount has already been received by him, this application has become infructuous.

4. This matter has been fixed today for hearing and final disposal at the stage of admission. Learned Counsel for the Applicant is absent nor has any request been made on his behalf seeking adjournment. As in this case, pleadings have been completed long ago, it is not possible to drag on the matter indefinitely. In view of this, I have heard Ms. S. L. Patnaik, learned Additional Standing Counsel appearing for the Respondents and have also perused the records.

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5. Applicant has prayed for PL Bonus for the year 1991-92, in this petition filed on 27.5.1998. Respondents have stated that this amount has already been received by him on 2.5.1999. Even though copy of the counter has

been served on the applicant, the applicant, has not filed any rejoinder. In view of this, ^{it} ~~you~~ have to go by the statement of the Respondents that the PLB bonus has already been received by the applicant on 2.5.99. Prayer of the applicant, in this regard, has become infructuous.

6. As regards the loan of Rs.30,000/- from his GPF account, the applicant has mentioned in paragraph-4.6. of the Original Application that he applied for loan in July, 1998 for his ~~causian~~ sister's marriage but from Annexure-R/1 to the counter enclosed by the Respondents, which is the application of the applicant for loan, it appears that he applied for loan of Rs.30,000/- for his ~~causian~~ sister's marriage only in March, 1999 i.e. 10th March, 1999. This application is for defraying the expenses in connection with his ~~causian~~ sister's marriage but in the Original Application, he has mentioned that he applied the loan from his Provident Fund account for incurring expenditure for his own treatment, whatever, it may be, as the application for sanction of advance has been given on 10th March, 1999 and by 2.5.1999, the loan has been received by him.
It ^{you} can not be said that the applicant has been intentionally harassed in any way. In view of this, this prayer has also become infructuous and in consideration of the above discussion ~~I~~ hold that the applicant has not been harassed in any way and therefore, there is no cause for his claim of Rs.50,000/- for compensation.

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In any case, the Tribunal is not competent to allow such compensation. This prayer is accordingly rejected.

7. The last prayer of the applicant is for a direction to the Respondents that till his retirement no amount should be deducted from his salary for depositing in Provident Fund. This claim is clearly against the Rules. A Govt. servant, so long as he is in Government service, he has to deposit certain minimum amount of about 6% of his emoluments in his Provident Fund and it is not dependent upon the consent of the Government servant. ~~For~~ ^{For} any amount above this amount, ~~any~~ ^{any} the deduction can be made only with the consent of the Govt. servant concerned. Of course there are instructions that in the last ~~three~~ ^{three} months of his ~~retirement~~ ^{superannuation} ~~no such~~ ^{any} deduction can be made. The applicant has not mentioned that he is approaching his superannuation and he is within ~~three~~ ^{this} ~~month~~ ^{month} period. In view of the above, this ~~any~~ ^{any} prayer is also held to be without any merit and is rejected.

8. In the result, the original Application is rejected but in the circumstances, without any order as to costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
10/12/2002

KNM/CM.