

NOTES OF THE REGISTRY

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Order dated 17.1.2002

Heard Shri N.R.Routray, learned counsel for the petitioner and Shri R.C.Rath, learned Addl. Standing Counsel for the respondents and perused the records.

In this O.A. the petitioner has prayed for a direction to respondents to give him differential provident fund arrears with 12% interest and also transportation allowance. Respondents have filed their counter opposing the prayer of the applicant. No rejoinder has been filed.

For the purpose of considering this petition it is not necessary to go into too many facts of this case. Applicant has stated that he retired on superannuation on 30.6.2000 and after retirement all benefits were given to him and he has no grievance with regard to retiral benefits except in respect of provident fund and transportation allowance. So far as provident fund is concerned, applicant has stated and this is also admitted by the respondents that he got Rs.7455/-. Applicant has stated that in his service career he had only once taken an advance of Rs.9000/- and had never taken any further withdrawal and therefore, the balance amount at his credit cannot be Rs.7455/-. It is also stated that another person one Bhagaban Biswal, who was similarly appointed along with the applicant got provident fund amounting to Rs.70,000/- and in the context of the above applicant has approached the Tribunal for payment of excess provident fund. As regards transportation

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allowance, applicant has not made any specific averment except claiming that the transportation allowance should be paid to him. Respondents along with their counter have annexed a detailed extract of statement of provident fund balance from January 1969 to June, 2000. From this I find and this has also been averred by the respondents in their counter contrary to the statement of the applicant that he had once taken withdrawal from the G.P.F., As ^{the} ~~notice~~ applicant during his service career had taken G.P.F. advance on 13 occasions in respect of different amounts and non-refundable advance for six times. In view of this his statement that he has taken ~~only~~ G.P.F. advance ~~for~~ ^{only} once in his service career cannot be accepted. Moreover respondents have averred in their counter that G.P.F. Account slips of every year have been sent to the applicant showing therein of different withdrawals and balance amount but the applicant had never objected to the same. In consideration of this I hold that the applicant has been rightly paid his Provident Fund dues and no excess amount is due to be paid to him. Therefore, the prayer for payment of differential provident fund arrears is held to be without any merit and the same is rejected.

As regards the transportation allowance, applicant, as stated earlier, has not made any specific averment except claiming that the transportation allowance should be paid to him. He has neither named the station where he superannuated nor has he stated where he shifted

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Free copies of final
order dt. 17.1.2002
issued to counsel
for both sides.

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his belongings and when he applied for transportation allowance. Under the instructions transportation allowance to a retiree is required to be paid on his furnishing the T.A. bill. In view of this it is ordered that in case the applicant has furnished any T.A. bill along with ^{claim for} transportation allowance prior to filing of this O.A. on 22.9.2000, and if the same is pending, then this bill should be cleared and transportation allowance be paid to the applicant strictly in accordance with rules and entitlement of the applicant.

With the above direction O.A. is disposed of, but without any order as to costs.

Donnanam
VICE-CHAIRMAN
17/1/2002