

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.433/96

(Tuesday this the Tenth day of December, One thousand nine hundred and ninety six)

CORAM

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

C. Kunhambu, 'Amruth'
Keltron Nagar, Kalliasseri (PO)
Kannur District, last employed as
Junior Engineer from the Office of
the Executive Engineer,
Calicut Central Division,
Central Public Works Department, Calicut-5. ..Applicant

(By Advocate ... None present)

Vs.

1. Pay & Accounts Officer,
Central Public Works Department,
Southern Zone, Rajaji Bhawan,
Prasanth Nagar, Madras.
2. The Executive Engineer,
Madras Central Division III,
Central Public Works Department,
Poonamallee, Madras.
3. Zonal Accounts Officer,
Work Charged Establishment,
Central Public Works Department,
M.K.Road, Bombay.
4. The Chief Engineer I, (South Zone)
Central Public Works Department,
Rajaji Bhawan, Basanth Nagar,
Madras.90
5. Union of India, represented by its
Secretary to Ministry of Urban
Development. ..Respondents

(By Advocate Mr. KS Bahuleyan for Mr.TRR Nair,ACGSC)

O R D E R

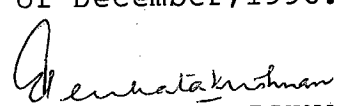
P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER.

Neither applicant nor his counsel is present.

Application is dismissed. No costs.

Dated 10th day of December, 1996.


A.M. SIVADAS
JUDICIAL MEMBER


P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

KS.

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 433 of 1996.

Thursday this the 9th day of July 1998.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

C. Kunhambu,
'Amruth'

Keltron Nagar, Kallaisseri (PO),
Kannur District.

(Last employed as Junior Engineer
from the Office of Executive Engineer,
Calicut Central Division, Central
Public Works Department, Calicut-5).

.. Applicant

Vs.

1. Pay & Accounts Officer,
Central Public Works Department,
Southern Zone, Rajaji Bhavan,
Basant Nagar, Madras - 600 090.
2. The Executive Engineer,
Madras Central Division III,
Central Public Works Department,
Poonamallee, Madras - 600 056.
3. Zonal Accounts Officer,
Work Charged Establishment,
Central Public Works Department,
M.K. Road, Bombay - 20.
4. The Chief Engineer I, (South Zone),
Central Public Works Department,
Rajaji Bhavan, Basanth Nagar,
Madras - 600 090.

5. Union of India, represented by its
Secretary to Ministry of Urban
Development.

.. Respondents

(By Advocate Shri M.H.J. David J., ACGSC)

The application having been heard on 9th July 1998,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

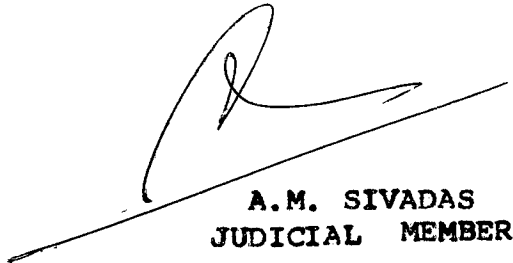
This application was dismissed for default on
10.12.96. Thereafter it was restored ^{on} to 21.1.97. When the
application came up for hearing on 25.5.98 none ~~was~~
appeared for the applicant. Thereafter, it was posted on

...2/-

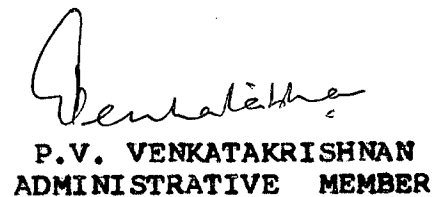
15.6.98. On 15.6.98 also none appeared for the applicant and the application was posted for hearing today. Even today, none appears for the applicant.

2. Application is dismissed for default. No costs.

Dated the 9th July 1998.



A.M. SIVADAS
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.433/96

Monday, this the 12th day of July, 1999.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

C.Kunhambu,
'Amruth'
Keltron Nagar,
Kallaisseri.P.O.
Kannur District.

- Applicant

By Advocate Ms K.V.Bhadrakumari

Vs

1. Pay & Accounts Officer,
Central Public Works Department,
Southern Zone, Rajaji Bhavan,
Basant Nagar,
Madras-600 090.
2. The Executive Engineer,
Madras Central Division III,
Central Public Works Department,
Poonamallee,
Madras-600 056.
3. Zonal Accounts Officer,
Work Charged Establishment,
Central Public Works Department,
M.K.Road, Bombay-20.
4. The Chief Engineer I, (South Zone),
Central Public Works Department,
Rajaji Bhavan, Basanth Nagar,
Madras-600 090.
5. Union of India represented by
its Secretary to Ministry of Urban Development. -Respondents

By Advocate Mr M.H.J.David.J, A.C.G.S.C.

The application having been heard on 12.7.99, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant joined service on 20.12.58 as a Works
Assistant in the Work Charged Establishment at Alwaye under the

Executive Engineer, Coimbatore Central Division, Central Public Works Department, Coimbatore. He was subscribing towards Workmen's Contributory Provident Fund with account No.WCPF/CCD/56. In November, 1965 the applicant's account was transferred to the office of the Executive Engineer, Madras Central Division. In November, 1969 the applicant was again transferred to the Executive Engineer, Aviation Construction Division, CPWD, Madras which was renamed as Madras Central Division III. Ultimately, the applicant was absorbed into the regular classified establishment. The grievance of the applicant is that consequent on the applicant being absorbed on the regular establishment, the Workmen's Contributory Provident Fund account amount in his credit was not transferred to his General Provident Fund account though the applicant has been taking up the matter repeatedly with all concerned. Because of not bringing into account the applicant's contribution towards Workmen's Contributory Provident Fund, the applicant has stated that he has suffered huge monetary loss. Several representations made by the applicant to various authorities and several inter-departmental communications did not ultimately produce any result with the consequence the applicant has been constrained to file this application for a direction to the respondents to disburse the unsettled part of Workmen's Contributory Provident Fund of the applicant with penal interest forthwith.

2. The respondents resist the claim of the applicant. It is contended that the Pay and Accounts Officer, CPWD, Western Zone, Bombay had informed that they had transferred the gratuity and provident fund balance amount of Rs.4257/- to the provident fund account of the applicant and that amount would include the missing part of the credit also. However, the respondents contend that it was the duty of the applicant to see whether the amount shown

in the statement of provident fund credit was correct or not and to see that any missing credit was set right at the appropriate time and that having not done at more than two decades, the applicant is not entitled to seek any relief at this distance of time.

3. On a careful scrutiny of the materials placed on record and hearing learned counsel on either side, we are of the considered view that the applicant does not deserve to be given any relief as sought because he has not produced any material to show what amount has been left out of credit. The applicant's grievance of not crediting the Workmen's Contributory Provident Fund amount to the general provident fund account arose in the year 1969. If even after repeated representations for giving credit to his account, the respondents did not comply with the request of the applicant, the applicant should have taken up the matter before the appropriate forum at the appropriate time. The respondents have in the reply statement made clear that the records for missing credit were searched and it could not be found and therefore they are not in a position to locate it. However, the stand of the respondents is that the sum of Rs.4257/- credited in 1981-82 includes the applicant's contribution towards the Workmen's Contribution Provident Fund and therefore nothing is left out of credit. On a careful scrutiny of the materials available, we find that there is nothing to hold that the contention of the respondents is not correct. The applicant has not been able to produce any material to show that it is so.

4. In the light of what is stated above, we do not find any merit in this application which is dismissed. No costs.

Dated, the 12th of July, 1999.


(G. RAMAKRISHNAN)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN