

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.523/09

Tuesday this the 4th day of August 2009

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

S.M. Sulaiman,
S/o.Syed Mohamed,
Rahi Manzil,
(Refrigerator Mechanic – retired),
Mangaram MSM (PO), Pandalam,
Pathanamthitta – 680 501.

...Applicant

(By Advocate M.K.Usha)

V e r s u s

1. Controller of Defence Accounts (Funds),
Meerut Cantt., Meerut – 250 001.
2. Garrison Engineer E/M (1) NW,
Katari Bagh, Naval Base (PO), Kochi – 4.

...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan, SCGSC)

This application having been heard on 4th August 2009 the Tribunal on the same day delivered the following :-

O R D E R

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by the short payment of the dues on account of General Provident Fund (GPF for short). Earlier, the respondents have informed the applicant that an amount of Rs.94,425/- was at his credit in his GPF Account. Later on, vide Annexure A-1 letter dated 7.8.2007 the respondents informed him that he was entitled for only Rs.45,535/- as GPF dues. The reason given by the respondents is that some deposits made in his account belonged to some other persons. They have also stated that there were some missing credit in the applicant's account.

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2. I have heard Shri.S.Radhakrishnan appearing on behalf of the counsel for the applicant Smt.K.Usha and Smt.Jisha appearing on behalf of the counsel for the respondents Shri.TPM Ibrahim Khan. The applicant was a beneficiary of the GPF Scheme from the date of his appointment till his retirement. Admittedly, the respondents have not maintained his GPF Account properly. It is their own admission that in his account somebody else's money has been credited and the credit in his favour for some months were missing. In my considered opinion the issue can be resolved only by re-calculating of the GPF dues payable to the applicant to his satisfaction.

3. I, therefore, direct that the respondents shall re-calculate the entire GPF account of the applicant from the date of his joining the scheme till his date of retirement with the annual interest amount paid/payable to him from time to time to determine the actual dues admissible to him. They shall also furnish a copy of the detailed calculation sheet to the applicant within a period of three months from the date of receipt of a copy of this order. After the re-calculation, if it is found that the applicant is entitled for any further payment, the same shall be made to him within a period of one month thereafter. If he is not satisfied with the revised calculation of his GPF account, he is at liberty to re-agitate the issue, if so advised.

4. With the aforesaid directions, the O.A is disposed of. There shall be no order as to costs.

(Dated this the 4th day of August 2009)


GEORGE PARACKEN
JUDICIAL MEMBER

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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

C.P.(C) No.124/09 IN O.A.No.523/09

Wednesday this the 19th day of May 2010

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

S.M.Sulaiman,
S/o.Syed Mohamed,
Rahi Manzil,
(Refrigerator Mechanic – Retired),
Mangaram MSM PO, Pandalam,
Pathanamthitta – 680 501.

...Petitioner

(By Advocate Ms.K.Usha)

V e r s u s

Sharat Sharma,
Controller of Defence Accounts (Funds),
Meerut Cantt., Meerut – 250 001.

...Respondent

(By Advocate Mr.Sunil Jacob Jose,SCGSC)

This application having been heard on 19th May 2010 the Tribunal on the same day delivered the following :-

O R D E R

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

This Contempt Petition has been filed for the alleged non-implementation of the order of this Tribunal dated 4.8.2009 in O.A.523/09. The operative part of the said order was as under :-

"2. I have heard Shri.S.Radhakrishnan appearing on behalf of the counsel for the applicant Smt.K.Usha and Smt.Jisha appearing on behalf of the counsel for the respondents Shri.TPM Ibrahim Khan. The applicant was a beneficiary of the GPF Scheme from the date of his appointment till his retirement. Admittedly, the respondents have not maintained his GPF Account properly. It is their own admission that in his account somebody else's money has been credited and the credit in his favour for some months were missing. In my considered opinion the issue can be resolved only by re-calculating of the GPF dues payable to the applicant to his satisfaction.

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3. I, therefore, direct that the respondents shall re-calculate the entire GPF account of the applicant from the date of his joining the scheme till his date of retirement with the annual interest amount paid/payable to him from time to time to determine the actual dues admissible to him. They shall also furnish a copy of the detailed calculation sheet to the applicant within a period of three months from the date of receipt of a copy of this order. After the re-calculation, if it is found that the applicant is entitled for any further payment, the same shall be made to him within a period of one month thereafter. If he is not satisfied with the revised calculation of his GPF account, he is at liberty to re-agitate the issue, if so advised.

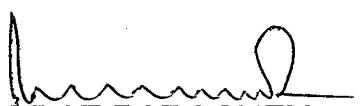
4. With the aforesaid directions, the O.A is disposed of. There shall be no order as to costs."

2. Pursuant to the aforesaid order of this Tribunal, the respondents have issued the Annexure R-13 letter dated 14.1.2010 explaining the reasons as to how the deduction has taken place from his GPF Account. The petitioner has also been supplied with the detailed calculation of the interest worked out on the excess payment credited to his GPF Account.

3. In our considered view, the respondents have substantially complied with the directions of this Tribunal. However, if the petitioner is still not satisfied by the aforesaid Annexure R-13 letter dated 14.1.2010 of the respondents, he is at liberty to challenge the same before this Tribunal through appropriate proceedings. This Contempt Petition is, therefore, closed.

(Dated this the 19th day of May 2010)


K. NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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