

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.83/2002

Tuesday this the 11th day of June 2002.

CORAM

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

P.N.Viswambharan
Postman, Ernakulam North Post Office
Cochin-18.

Applicant.

(By advocate Mr.M.C.Nambiar)

Versus

1. The Chief Postmaster General
Kerala Circle, Trivandrum.
2. The Senior Superintendent of Post Offices
Ernakulam Division, Ernakulam.
3. The Senior Postmaster
Ernakulam Head Post Office
Ernakulam.
4. The Union of India rep.by
The Secretary
Ministry of Communications
Dept. of Posts
New Delhi.

Respondents.

(By advocate Mrs.P.Vani, ACGSC)

The application having been heard on 11th June 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant has filed this Original Application aggrieved by A-4 order dated 24.10.01 by which he had been asked to credit Rs.960+157 under UCR and A-7 letter dated 3.1.02 issued by the second respondent after considering his representation dated 10.11.01. He sought the following reliefs:

- (i) To issue appropriate orders to quashing A-4 and A-7.
- (ii) To issue appropriate direction or order directing the respondents to verify the GPF account No.19308 of the applicant since 1995 onwards and correct the mistakes committed by the respondents in recovering Rs.1817/- from the account of the applicant.
- (iii) To issue appropriate direction or order not to recover the amount now ordered to recover by A-7.



- (iv) To issue any other reliefs which this Hon'ble Tribunal may deem fit, proper and just in the circumstances of this case.
- (v) To award costs of the original application.

2. According to the averments of the applicant in the OA, he was working as postman in North Post Office, Ernakulam and his GPF No. was TV 19308. According to him, his annual statement of GPF account since 1995-96 was not correct and proper and therefore he submitted A-1 representation dated 23.3.2000. He furnished credit particular by A-2 and claimed that balance in the financial year 1999-2000 would come to Rs.4,988/- but the second respondent issued an order stating that there was minus balance of Rs.1890/-. Therefore, applicant submitted A-3 representation dated 14.6.2000. Thereafter A-4 order was issued by the third respondent to recover a sum of Rs.1117/-. Applicant filed A-5 representation dated 10.11.01 to which he received A-7 reply dated 3.1.02. Aggrieved by A-4 and A-7, the applicant filed this OA seeking the above reliefs.

3. Respondents filed reply statement resisting the claim of the applicant. It was submitted that the Deputy Director of Postal Accounts, Trivandrum maintained the GPF account of the applicant and the third respondent was the drawing and disbursing officer. Third respondent recovered the subscriptions of the applicant to the GPF. Temporary advances were granted by the second respondent and paid by the third respondent. Returns of subscriptions/advances were periodically submitted by the third respondent to the DDPA, Trivandrum who kept the GPF ledger card of the applicant and issued balance sheet to him at the end of every financial year. The applicant had not impleaded the DDPA in the party array and therefore, the OA was bad for non-joinder



of necessary parties. The DDPA by his letter dated 20.7.98 intimated the third respondent of minus balance in the applicant's account for the months of May 97 (Rs.674/-), June 97 (Rs.322/-), January 98 (Rs.567/-), February 98 (Rs.4997/-) and March 98 (Rs.4612/-). Hence the DDPA instructed the third respondent to recover Rs.4997/- from the applicant for adjusting the minus balance and based upon that the third respondent prepared a statement of deposits and withdrawals for the years 1996-97, 97-98 and 98-99 (R-1, R-2 & R-3 respectively). R-4 is the credit particulars of GPF of the applicant for the years 95-96 to 97-98 prepared by the third respondent. Referring to that, respondents submitted that as against the deposit of Rs.1503 during 95-96, a withdrawal of Rs.1000 had been effected by the applicant. It was also submitted that by an inadvertence a withdrawal of Rs.4500/- from GPF account No.10980 of one P.N.Viswanathan was debited in the ledger card of the applicant in January 1998 and that mistake was rectified. The DDPA found that the debit stood adjusted and issued revised balance slip to both the officials. It was also communicated by R-5 to the third respondent. As per R-2 the balance in the account of the applicant as on 31.3.98 was Rs.50/- and as per R-3 the balance as on 31.3.99 was Rs.-1890. The balance in January 99 was Rs.-2850. Therefore the DDPA directed the third respondent to recover the minus balance of Rs.2850/- with penal interest after adjusting the interest amounting to Rs.58/- due vide his letter dated 16.7.99. The third respondent recovered Rs.1000 and Rs.890 respectively from the salary for May 2000 and June 2000 of the applicant. The DDPA in his letter dated 12.7.01 advised the 3rd respondent to recover the balance of Rs.960 with penal interest



of Rs.157. In compliance, the applicant was directed by A-4 asking him to credit Rs.1117. After considering the representation of the applicant in A-5, the second respondent directed him to credit the amount and it was also directed that failing payment, the amount would be recovered from the salary of January 2002 and therefore A-7 was issued. Applicant, however, did not pay the amount and in deference to the interim order no recovery was made in January 2002. The case of the applicant was taken up with DDPA and reply was given to him. In A-2 the applicant had not mentioned the amount of Rs.2560 given to him as temporary advance in January 98 as could be seen from R-7 memo dated 9.6.98. As per R-8 ledger account maintained by DDPA the GPF balance at credit of the applicant for 99-2000 was Rs.4657. The applicant was served with balance slips every year and the mistake of the Department was rectified and the sum of Rs.1560 had been credited into the account of the applicant. There was a minus balance of Rs.2850 in January 99 out of which Rs.1890 was recovered from his pay and the applicant had been asked to pay the sum of Rs.960 with penal interest. There was nothing illegal, arbitrary or capricious in the action of the respondents. The OA was liable to be dismissed.

4. Applicant filed rejoinder. According to him, it was unnecessary to implead the DDPA in the party array as the authority was a part of the postal department. He submitted that the Department was not keeping proper account and not maintaining the PF account as per Rules. According to him, in Annexure R-4 a cash balance of Rs.668 was shown as on 31.3.95 whereas R1 showed the balance as Rs.532. The accounts produced by the Department



were not proper. The ledger account maintained by DDPA was not according to rules. Without getting proper account from 95 onwards he was not in a position to say anything about other accounts. Unless and until correct account from 95 onwards was issued to him it was not proper on his part to say anything about the respondents' exhibits.

5. Additional, reply statement was filed by the respondents. They submitted that the Deputy Director of Postal Accounts had corrected the mistakes that happened in the maintenance of the applicant's account and a copy of ledger balance of the applicant from 1995-96 to 1999-2000 had been supplied to him and the said documents were produced as R1, R2, R3 and R8 along with the reply statement. It was submitted that the figures relating to recovery of subscription, withdrawals and refund of withdrawals furnished by the applicant were congruent and tally with each other. Therefore, the applicant had no grievance as far as his first prayer was concerned and as far as the recovery was concerned, it was necessitated as the applicant was granted a withdrawal of Rs. 2560/- in June 98 as could be seen from R7 which was reflected in R3 also. The applicant had not denied the fact that he had availed of this withdrawal. Again in January 1999 the applicant was granted another withdrawal of Rs. 4860 as could be seen from R3 and which was not disputed by the applicant in A2. According to them, these two withdrawals were allowed in excess of the balance at credit as on the dates of sanction. They also relied on R3 to show that the applicant had withdrawn Rs. 2560 in June 98 when his balance was Rs. 1020 only and in 1999 another withdrawal of Rs. 4860 was made when his balance



was only Rs. 1580/-. As per Rule at hand excess amount if drawn in the name of an official had to be recovered. R3 would show that at the time of allowing withdrawal of Rs. 4860 there occurred a minus balance of Rs. 2850 in his account. Respondents by A7 sought to adjust this minus balance out of which Rs.1890 had been adjusted. In this adjustment Rs. 966 was yet to be recovered to set off the minus balance. The recovery sought to be made by A-7 was with reference to a different time. Excess amount recovered was repaid to the applicant. Recovery @ Rs.235 towards refund of withdrawal was being made taking into account withdrawal in February 98. His subsequent withdrawal of Rs. 2560 in June 98 made his consolidated amount of advance to the tune of Rs.6480 was yet to be recovered in 36 instalments which had resulted in reducing the monthly instalment from Rs. 235 to Rs.180. This reduction would not have been effected if the applicant had specified number of instalments in his application for advance from GPF account.

6. Heard the learned counsel for the respondents.

7. We have given careful consideration to the submissions made by the learned counsel for the respondents, and the rival pleadings as brought out in the OA, reply statement, rejoinder, and the additional reply statement and have perused the documents brought on record.

8. We find from the grounds raised by the applicant that one of the grounds raised is that A-7 has been issued without considering the representation dated 10.11.2001 made by the

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applicant. We find substance in this. Respondents have enclosed the extracts of the GPF ledger for the years 1996-97, 97-98 and 98-99 as R1, R2 & R3. They have also enclosed the credit particulars of the applicant in his GPF account No.19308 for the period 4/95 to 3/98 as R-4. Respondents' main case is that the applicant had made withdrawals in the month of June 1998 and January 99 of Rs.2560 and Rs.4860. Even though the applicant has filed a rejoinder and had made a statement that the figures shown against May, June, 1997 and January, February and March 1988 were incorrect and the department did not issue the statement to him, he has not specifically denied of having not withdrawn the amount of Rs. 2560 and Rs.4860 as stated by the respondents. Applicant in the rejoinder had also stated that without getting proper account from 1995 onwards he was not in a position to say anything about other accounts.

9. On the basis of the materials placed before us, we find that there is no question of law involved in this case to be adjudicated by this Tribunal. What is basically involved is what is the amount which was being subscribed by the applicant every month to his GPF account, what amount he had withdrawn, what was the monthly amount being recovered as refund of the temporary withdrawal made by him and whether these amounts are correctly reflected in his PF ledger account or not. As respondents have now filed R1 to R3 as part of the reply statement filed by them indicating the extracts of the PF ledger of the applicant for the period 1996-97, 1997-98 and 1998-99. To a an extent we find that what is stated in A-2 and what is stated in R3 tally except the withdrawal of Rs. 2560 shown in June 1998 and Rs.4860 shown in



January 1999 in R-3. The amount of withdrawals shown from 1/96 to 1/99 are tallying except for the above two withdrawals. The matter to be settled here boils down to the applicant's specific ground that all the amounts subscribed by him and withdrawn by him have not been accounted for. As now he had received all the accounts maintained by the respondents from 1995 onwards, we are of the considered view that the applicant can check these documents and satisfy himself about the correctness or otherwise of the same. In case he has any further grievance in this matter, he is permitted to submit a representation to the first respondent herein - the Chief Post Master General, Kerala Circle, Trivandrum detailing his grievance within one month from the date of receipt of a copy of this order. The first respondent on receipt of such representation shall look into the said representation, consider the same and pass a detailed order and advise the applicant of the result of his consideration within four months from the date of receipt of a copy of the representation. Till such time representation is disposed of as above, the interim order passed by this Tribunal on 30.1.2002 shall remain in force.

10. The OA stands disposed of as above with no order as to costs.

Dated 11th June 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER

aa.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the representation submitted before the 2nd respondent dt.23.3.2000.
2. A-2: True copy of the credit particulars of APF.A/C No.T.V.19308.
3. A-3: True copy of the representation submitted before the 1st respondent dt.14.6.2000.
4. A-4: True copy of the letter by No.Af-2/GPF/2001 dated 24.10.2001 of 3rd respondent.
5. A-5: True copy of the representation submitted before 3rd respondent dated 10.11.2001.
6. A-6: True copy of the order dated 14.3.2000.
7. A-7: True copy of the letter by No.B1/5-28 dated 3.1.2002 of the 2nd respondent.

Respondents' Annexures:

1. R-1: True copy of statement of Deposits and withdrawals for 96097 by the DDPA.
2. R-2: True copy of statement of Deposits and withdrawals for 97-98 by the DDPA.
3. R-3: True copy of statement of Deposits and withdrawals for 98-99 by the DDPA.

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20.6.2002