

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH**

Original Application No.17/2005

This the 29 day of August 2008

**HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.**

Mahabir Prasad Verma, aged about 63 years, son of Chaturi, resident of Mohalla:- Babar Ali Khera, Qasba-Safipur, Tehsil:- Safipur, District:- Unnao.

...Applicant.

By Advocate: Shri Anoop Srivastava.

Versus.

1. Union of India through the Secretary, Ministry of Information, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. The Director of Accounts (Postal), U.P. Circle, Lucknow.
4. The Post Master, District-Unnao.

... Respondents.

By Advocate: Shri K.K. Shukla for Dr. Neelam Shukla.

**ORDER**

**BY MR. M. KANTHAIAH, MEMBER JUDICIAL.**

The applicant has filed this OA under Section 19 of the Administrative Tribunal Act, 1985 with a prayer for payment of remaining amount of GPF alongwith interest on Rs. 63,422/- up to 19.10.2002.

2. The respondents have filed Counter Affidavit, denying the claim of the applicant stating that final payment authority No.178 has



been issued on 09.10.2002 for Rs. 65,773/- after adjusting the missing debits for Rs. 480/- in Oct, 70 and Rs. 3500/- in April, 1980.

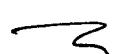
3. The applicant has filed Rejoinder Affidavit, denying the stand taken by the respondents and reiterated the pleas in his OA.

4. Heard both sides.

5. The point for consideration is whether the applicant is entitled for the relief as prayed for.

6. The admitted facts of the case are that the applicant, while working under SPM, Safipur, Unnao retired on 31.12.2001, after attaining the age of superannuation. The respondents have paid amount of Rs. 63,422/- towards GPF amount on Dt. 01.09.2003. Thereafter, the applicant got issued a Legal Notice (Annexure-2) asking for payment of balance amount of Rs. 35,000/- from out of his deposit amount of Rs. 98, 422/- and also interest on delayed payment of Rs. 63,422/. After considering the said representation of the applicant, the respondent authorities called the applicant to their office for inspection of records regarding his payments and account credited to his GPF account from time to time. When there was no payment made to the applicant the applicant again filed representation Dt. 12.04.2004 (Annexure-4), which is still pending. The applicant also filed GPF slips for the year 1990-2000, which shows balance of Rs. 90,728/- lying in his account.

7. It is the case of the respondents that the debit of Rs.480/- in October, 1970 was not accounted in the account of the applicant. Similarly, they also noticed that the debit during the year 1981-82 was also missing .After taking note of said missing debts in the account of the applicant, they have issued final payment order on



19.10.2007 for Rs. 65, 773/- and thus, justified their action. It is also the case of the respondents that the opening balance of the applicant was at Rs. 63,422/- taken into account in the year 2001-2002 alongwith subscription of Rs. 35,000/- plus interest but the same has been changed due to posting of in debit amount of two debits i.e. Rs. 480/- in October, 1970 and Rs. 3500/- in April, 1980 in his ledger . Thus, the opening balance for the year 2001-2002 was arrived at Rs. 27,174/- , which they corrected instead of Rs. 63,422/-. Further, the subscription at Rs. 5000/- from March/April, 2001 to October 2001 total of Rs. 35,000/- plus interest up to the date of retirement has been allowed for the total amount of Rs. 65,773/-, which they have finalized by issuing final payment authority and thus,, denied the claim of the applicant for payment of any balance of GPF amount and also interest as claimed by the applicant.

8. It is the main contention of the applicants that there was no reference of his alleged debits of Rs. 480/- in October, 70 and also Rs. 3500/- in April, 1980 in his GPF account and at no point of time, it was brought to his notice and without any such material the authorities have taken such decision and thus argued that without bringing to his notice any such debits in his annual GPF slips, surprisingly debiting such amounts unilaterally after his retirement behind his back is not justified and thus filed this OA, on such grounds claiming the balance of Rs. 35,000/- and also interest on paid amount of Rs. 63,422/- for delayed payment.

9. When, it is the case of the applicant that at no point of time the authorities have brought it to the notice of the applicant, and issued annual statements and also the latest statement for the year 1999-



2000, shows the balance of Rs. 90,778/- was lying in his account, subsequently debiting any amount in his account without any intimation is not at all maintainable. At the time of arguments, this Tribunal directed the authorities for production of the GPF account of the applicant for verification. Upon which, R.A. Yadav, AAO brought the said records.

10. On perusal of GPF Original Ledger Card relating to the applicant provided by the department shows there was no entry of withdrawal of Rs. 3500/- by the applicant in the month of April, 1980 in the ledger card of 1980-81 and also debt of Rs. 480/- in October, 1970-1971 and subsequently such entries have been carried out by the department in the ledger cards. In respect of making entries of Rs. 3500/- in the April, 1980 in the ledger card in the year 1980-81 have been made during the year 2002-03.

11. In respect of missing debit of Rs. 480/- in October, 1970, GPF ledger card in the year 1970-71 reveals an amount of Rs. 480/- was adjusted in the ledger cards of 1973-74. In the ledger card of 1973-74, also shows in respect of such advance of Rs. 480/- and its adjustment. Column of Refund of Withdrawal of ledger card for the year 1970-71, 1971-72 and 1973-74 also reveals such adjustment of amount of Rs. 20/- per month from January, 1971 to October 1971 and also at Rs. 50/- from November 1971 to December, 1972, which indicates recovery of such advance of Rs. 480/- and other advance of Rs.750/-. In such circumstances, it is not open to the respondent authorities to say there was debits of Rs. 480/- was still pending in the account of the applicant.

12. During the service of the applicant till December, 2001, the respondent authorities never brought it to the notice of the applicant in respect of such missing debits of Rs. 480/- in October, 1970 and also Rs. 3500/- in April, 1980 and further, they have issued regular GPF Slips to the applicant without showing any such dues in the account of the applicant. Similarly, no such debits entries are also finding in the original GPF Ledger Cards produced by the department and whatever, entries are there in respect of the amount of Rs. 3500/- for the April, 1980 has been made subsequently during the year 2002-2003 i.e. after the retirement of the applicant. Even if, there was any such debits on the part of the applicant, it is the duty of the authorities to issue show cause notice and thereafter it is open to them to take a decision but in the instant case no such opportunity has been given to the applicant and straightway deducted the amount from the GPF amount payable to the applicant, which is not at all justified and further, the same is against the Principles of Natural Justice.

12. Under the above circumstances, the applicant is justified in questioning the act of the respondents in deducting the amount from the payable GPF amount of the applicant on the ground that there was missing debits of Rs. 480/- in October, 1970 and Rs. 3500/- in April, 1990 and as such, his claim for payment of remaining amount of GPF balance amount of Rs. 35,000/- from out of his amount of Rs. 98,422/- till December, 2001 and also payment of interest on delayed payment of Rs. 63,422/- till 01.09.2001 with interest as per rules. Is valid and justified.

In the result, OA is allowed, directing the respondents to pay the deducted amount of the applicant from out of the GPF amount of the applicant with interest thereon on the ground of alleged debts + Rs. 480/- in October 1970 and Rs. 3500/- in April 1980 and also interest on delayed payment of Rs. 63,422/- till 01.09.2001, as per rules. No costs.

  
**(M. KANTHAIAH)**  
**MEMBER (J)**

29.08.08

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