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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW CIRCUIT BENCH.

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Registration O.A. No. 234 of 1990 (L)

K.C. Sharma      ...      ...      ...      Applicant.

Versus

Union of India  
and others      ...      ...      ...      Respondents.

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Hon. Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

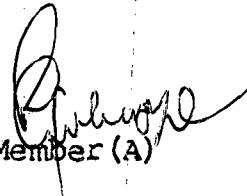
The applicant after attaining the age of superannuation had retired from service on 28.10.1985 vide order of the Superintendent of Post Offices, Sitapur. His provisional pension was fixed vide order dated 11.11.1985 and his provisional DCRG was also paid to the tune of Rs. 22,489.40 paise. The applicant admittedly, obtained advance from the G.P. Fund Account. According to the applicant, the Annual Statement of General Provident Fund Account for the year 1985-86 was served upon him which shows that there was minus amount to the tune of Rs. 1934.00/- at the time of his retirement, and from the perusal of the Annual Statement, a sum of Rs. 206.00/- has been shown as minus interest column which is wrong because the outstanding amount was Rs. 1728.00/- at the time of retirement. A D.O. Letter dated 22.11.1988 in the name of Post Master, Sitapur was sent stating therein that a sum of Rs. 14,509/- stands as minus balance in the GPF Account of the applicant.

It was therefore desired that the said amount be recovered from the DCRG and Pension of the applicant. According to the applicant, the same was not correct and he made a representation and reminders were also given but nothing was done and some deductions were made ~~and~~ that is why he has approached the Tribunal stating that he had not overdrawn ~~at~~ the amount from G.P. Fund Account, as such there is no outstanding dues against him for which recovery from his pension is liable to be made, and at the time of retirement, there was minus balance to the tune of Rs. 1728.00/- and this balance amount was recovered from the applicant. It has been stated by the respondents that as a matter of fact, a mistake was committed and the applicant who retired on 31.10.1985 was Senior Grade Sub-Post Master, Khairabad, District Sitapur and started subscribing towards the General Provident Fund in the year 1953-54. He was required to ~~certify~~ vide rule 39(2) of the G.P.F. Rules. On his retirement the G.P.F. account was scrutinised from the very beginning for final payment and it was found that an overpayment of Rs. 14,509/- was made to him. The excess payment made to him towards his final G.P.F. account was communicated to him vide letter dated 22.11.1988 and an amount of Rs. 1728/- was deducted from his provisional DCRG and the total amount which is now due is Rs. 12,781/- only. The applicant has been retired from service and whatever recovery had been made should be made only for Rs. 12,781/-.

This application has not been filed by the Government,

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as such, no order can be passed in favour of the Government that the recovery should be made, and no amount of the applicant is in deposit with the respondents, as such, the respondents cannot recover the said amount from the applicant. But, from the fact, it is evident that the lower payment was made to the applicant and a sum of Rs. 1728/- has been realised from him and we direct the respondents to realise the rest of the amount but in accordance with law. No order as to the Costs.

  
Member (A)

  
Vice-Chairman

Dated: 30.3.1993

(n.u.)