

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.**

**Original Application No. 327 of 2009**

Date of Decision 13th April, 2012

**Hon'ble Mr. Justice Alok K Singh, Member-J**

Ms. Munni Shukla, aged about 68 years, W/o of late Sri Prem Shanker Shukla, R/o 202-A Sector M, Ashiana, Lucknow.

.....Applicant

By Advocate : Sri Pankaj Awasthi

Versus.

1. Union of India through General Manager, N.C.R., Headquarters office, Allahabad.
2. G.M. NCR, Headquarters Office, Allahabad.
3. The DRM, NCR, Allahabad Division, Allahabad.
4. The Sr. Divisional Finance Manager, NCR, Allahabad Division, Allahabad.
5. The Sr. Divisional Personnel Officer, NCR, Allahabad Division, Allahabad.
6. The Managing Director, IRCON Intentional Limited (EMS Wing), Plot no. C-4, District Centre, Saket, New Delhi.
7. The Manager (Finance), IRCON Intentional Limited (EMS Wing), Plot no. C-4, District Centre, Saket, New Delhi

.....Respondents.

By Advocate : Sri B.B. Tripathi for R-1 to R-5 and Sri Raj Singh for Sri A.K. Chaturvedi for R-6 and R-7.

**ORDER**

This O.A. has been filed for the following relief(s):

*"(i) to direct the Respondent nos. 1 to 7 to pay Provident Fund/ Voluntary Provident Fund for the period from March, 1982 to March, 1986 with interest admissible from time to time on Provident Fund/ Voluntary Provident Fund till the date of actual payment as well as payment of interest on Rs. 18151/- from 1.4.1997 upto 17.8.2007 as per rate admissible during the period in Northern Railway,*

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*Allahabad Division (now North Central Railway, Allahabad Division).*"

2. The case of the applicant is that her husband late Sri Prem Shanker Shukla was an employee of Indian Railways. While working as Assistant Electrical Engineer (TRD), Aligarh Jn., he went on deputation to IRCON International Limited, New Delhi on 18.8.1981. After working about three years, he was absorbed there on 1.9.1984. Consequently, he was retired from Indian Railways on 31.8.1984. The above order of absorption could, however, be passed after about eight years i.e. on 24.9.1992. Ultimately, the husband of the applicant retired from IRCON on 31.7.1994. Thereafter, he died.

3. As the applicant's husband was working with Indian Railways, the GPF deductions were made. Thereafter, when he went to IRCON on deputation, the deductions towards GPF were made by the IRCON, but the relevant amounts were transmitted to the parent department of Railways.

4. Subsequently, as mentioned above, after a gap of about 08 years vide order dated 24.9.1992 the absorption order was passed making the absorption of the applicant's husband in IRCON with retrospective effect from 1.9.1984. In view of the above the applicant's husband was treated to have retired from Indian Railways w.e.f. 31.8.1984. But the amount of GPF deduction during deputation period, was continued to be transmitted to Indian Railways. Ultimately, the applicant's husband retired from IRCON on 31.7.1994. The Railways had made some payment towards GPF on 17.8.2007 amounting to Rs.

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18151/- through cheque no.308981 dated 17.8.2007. But it was not the entire amount. It appears from the pleadings of the Railways that they had paid the amount only in respect of which the papers were available with them. The IRCON has also been impleaded in this O.A. as respondent nos. 6 & 7. From the Counter Reply filed on their behalf, it transpires that they had been deducting the GPF subscription during the period of deputation and those amounts were regularly transmitted to Indian Railways by means of cheques/drafts because technically the husband of the applicant continued to be in the service of Indian Railways as his absorption order was passed after a long gap of 7-8 years. The IRCON have also submitted a detailed statement with their Reply and the same statement has been enclosed with the O.A. as Annexure no.1. In response to this statement, nothing substantial has been said in the entire Counter Reply/Supplementary Counter Reply filed on behalf of the Railway respondents. From their pleadings, it appears that the Railways could not preserve/maintain the relevant records for such a long time on account of which they are feeling handicapped. But the fact remains that they are not in a position to controvert the above statement submitted by the applicant, which is also substantiated by the pleadings of IRCON. It covers a period starting from February, 1982 to February, 1989 in which amount and details of drafts/cheques are mentioned.

5. Alongwith Rejoinder Reply dated 6.9.2010 filed alongwith M.P. no. 1404 of 2010, the applicant has enclosed Annexure nos. R-1 and R-2 which are

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calculation sheets which stand un-controverted and un-rebutted. Though a meek, fragile and general denial has been made, but in absence of relevant documents, the Railways do not appear to be in a position to deny these calculation sheets specifically.

6. Otherwise also, these calculation sheets appear to have been prepared meticulously in a methodical manner and in the absence of any material otherwise; there is no reason to doubt the correctness of these un-rebutted calculation sheets. Therefore, the O.A. deserves to be allowed with necessary directions to the respondent nos. 1 to 5 to make payment as sought under relief 8(i) read with both calculation sheets.

7. The first calculation sheet (Annexure R-1) is in respect of interest from April, 1997 to 17.8.2007 and thereafter upto March, 2010. The applicant is entitled for interest even after March, 2010 till the date of actual payment.

8. The other calculation sheet (Annexure R-2) is in respect of Provident Fund/Voluntary Provident Fund with interest thereon from March, 1982 to March, 2010, which has not been paid till date. The applicant is, however, entitled for interest even after March, 2010 till the date of actual payment. The amount of interest has been claimed @ 8% per annum which is also usual rate of interest on General Provident Fund.

9. Finally, therefore, this O.A. is allowed with direction to the respondent nos. 1 to 5 to make payment of GPF and interest as sought under relief 8(i) read with the aforesaid calculation sheets contained in

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Annexure nos. RA-1 and RA-2 to the Rejoinder Reply filed on 6.9.2010 alongwith M.P. no. 1404 of 2010. The aforesaid payment may be made by the respondent nos. 1 to 5 within four months from today. No order as to costs.

*Alok Kumar Singh*  
13.9.2012  
**(Justice Alok K Singh)**  
**Member-J**

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