

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

Original Application No. 310/2011

This the 14th day of February, 2017

Hon'ble Shri Justice V.C. Gupta, Member - J

Surya Narain Srivastava (MES-242009), aged about 69 years, son of Late Shri Ram Lakhan Srivastava, R/o 554 Kha/46 Gha, Visheshwar Nagar, Alambagh, Lucknow (lastly worked as Supervisor B/S Grade I, in the office of Garrison Engineer (West), MES, Lucknow Cantt.

..... Applicant

By Advocate: Sri P.K. Singh

VERSUS

1. Union of India through the Secretary, Ministry of Defence, New Delhi – 110001.
2. Chief Engineer, Central Command, Lucknow – 226002.
3. Garrison Engineer (West), Lucknow – 226002.
4. Controller General of Defence Accounts, New Delhi – 110001.
5. Principal Controller of Defence Accounts, Central Command, Lucknow – 226002.
6. Controller of Defence Accounts (Funds), Meerut.

..... Respondents

By Advocate: Sri P.C. Rai

ORDER (ORAL)

Heard the counsel for the applicant and counsel for the respondents and perused the records.

2. The applicant claimed the following reliefs in the O.A:

(i) Issuing/passing of an order or direction to the respondents, particularly the respondent No. 6 to refund the amount wrongly deducted from the final settlement of GPF account No. 160299 as well as uncredited recovered amount for the years 1978-79 and 1985-86 and reduced difference of interest for the years 2001-02 and 2002-03 not included in the final settlement of the applicant as mentioned in the impugned letter dated 03.10.2002 (Annexure A-1 to this application), alongwith interest @ 12% per annum from the date of final settlement till the date of actual payment within a specified period of two months.



(ii) Issuing/passing of any other order or direction to the respondents as this Hon'ble Tribunal considers appropriate in the circumstances of the case, including suitable amount of compensation and damages for mental agony and unnecessary harassment caused to him after retirement.

(iii) Allowing this Original Application with cost.

3. The brief facts giving rise to this petition are that the applicant after superannuation got an amount payable to him under GPF as he was subscriber of GPF having account No. 160299. It has been contended that while making the payment of GPF vide order dated 03.10.2002 certain amount of excess credit was deducted as shown in the account. The excess credit amount was of Rs. 1006/- of year 1976-77 and Rs. 19029 of year 1982-83. Aggrieved by the aforesaid order this O.A was filed initially with a prayer to refund the amount shown as excess credit with 12% interest.

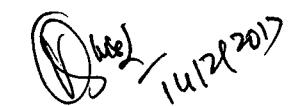
4. During the pendency of this petition the amount shown as excess credit deducted vide order dated 03.10.2002 was subsequently credited in the account of the applicant by order dated 02.03.2012 whereby the amount of Rs. 24767/- was credited in the account of applicant as is evident from CR-7 to counter affidavit. Thereafter, the petition was amended and it was contended that certain sum was not included in the account of the applicant which are of year 1978-79 and year 1985-86 which were initially not the subject matter of this O.A.

5. During the pendency of this petition the representation made on 28.07.2003 was annexed as Annexure A-11 to the amended petition wherein some missing amount in particular years has been pointed out.

6. The relief which has been originally claimed has been redressed and the claim which the applicant has made during the pendency of the case cannot be granted unless a decision is given by the competent authority with regard to claim of the applicant.



7. Hence, in view of the above, the petition is disposed of with direction to the respondents to decide the claim of the applicant dated 26.07.2003 within reasonable time under intimation to the applicant.
8. With the above direction, the O.A stands disposed of. There shall be no orders as to cost.



14/12/2017

(Justice V.C. Gupta)
Member (J)

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