

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH**

**Original Application No.66/2006  
This the 7<sup>th</sup> day of July 2008**

**HON'BLE MR. M. KANTHAIAH, MEMBER (J).**

Ram Pal Singh aged about 61 years S/o Sri Kalia Singh Retd. P.A. R/o  
266/610 Kalika Singh Ka Hata Behind Telephone Exchange Bhadewan,  
Lucknow.

...Applicant.

**By Advocate: Shri R.S. Gupta.**

Versus.

1. Union of India through the Secretary, Department of Post Dak Bhawan, New Delhi.
2. Chief Postmaster General, U.P., Lucknow.
3. Director Accounts (Postal) U.P., Lucknow.
4. Senior Superintendent of Post Offices, Faizabad.

... Respondents.

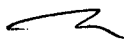
**By Advocate: Shri Vishal Choudhary.**

**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 to quash the recovery order Annexure-A-1 Dt. 14.11.2005 and Annexure-A-2 Dt. 26.12.2005 and direct the respondents for payment of GPF balance of Rs. 19,983/- with interest w.e.f. 01.11.2004 till the date of payment.

2. The respondents have filed Counter Affidavit, denying the claim of the applicant stated that the authorities have passed orders covered under



Annexure-1 and Annexure-2 in accordance with rules and there are no justified grounds for interference of this Tribunal.

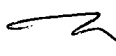
3. The applicant has filed Rejoinder Affidavit, denying the stand taken by the respondents and also reiterated his pleas in the OA.

4. Heard both the 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 worked in the respondent department from 1964 and took retirement on 31.10.2004, after attaining the age of superannuation. He was the subscriber of GPF A/c bearing No. 68973 and he was having balance of Rs. 19,986/- to the credit of his account on the date of his retirement and GPF slips Annexure-A-4 to Annexure-A-12 also reveals the same. The applicant also applied for withdrawal of final payment of GPF of Rs. 19,986/- alongwith balance sheet for the year 2003 to 2004. upon which, the respondents have passed orders covered under Annexure-1 Dt. 14.11.2005 and Annexure-2 Dt. 26.12.2005 for recovery of Rs. 53,172/- from the provisional pension which was being paid to the applicant up to November 2005 and thus withheld from December 2005 onwards. When the applicant made representation to the DG, Department of Posts, Dak Bhawan, New Delhi for imposing illegal recovery from him after two years of his retirement there was no response. Annexure-13 Dt. 31.12.2005 is the copy of said representation of the applicant, hence the applicant filed the present OA.


7. It is an undisputed fact that on earlier occasion the applicant filed O.A.No.27/2006 against the respondents under which he challenged the order Dt. 24.6.2005 i.e. charge sheet and also order Dt. 14.11.2005



(Annexure-1) and 26.12.2005 (Annexure-2) recovery orders issued against the applicant but subsequently on his filing withdrawal petition M.P.No.309/2006, he was permitted to withdraw in respect of the claim to quash the recovery order Dt. 14.11.2005 (Annexure-1) and 26.12.2005 (Annexure-2). Thereafter, the applicant filed the present OA questioning the validity of Annexure-1 Dt. 14.11.2005 and Annexure-2 Dt.26.12.2005 and for payment of GPF balance of Rs. 19,983/- as on the date of retirement with interest thereon.

8. It is the case of the respondents that there was error in the balance of the GP account of the applicant by showing Rs. 8,100/- excess plus interest thereon right from 1984-85 onwards and after correcting the said irregularity occurred in the year 1984-85, the balance in the account reduces from Rs.19,883/- to (-) Rs. 53,172/- as on 31.10.2004 which they noticed after retirement of the applicant. This overdrawn amount has to be recovered from the retrial benefits of the applicant i.e. from retirement gratuity and Dearness relief on pension under Rule 71 of CCS (Pension) Rules, 1972 and thus issued Annexure-1 and Annexure-2 claiming excess payment made to the applicant from his GPF account.

9. The applicant denied the contention of the respondents that there was any error in the balance sheet and stated that as per the balance sheet for the year 1984-85 an amount of Rs. 8,100/- was lying in his A/c and thereafter the same was increased and there was no (-) account in his GPF A/c. He further stated that in GPF slips issued every year i.e. Annexure-4 to Annexure-12 shows that there was sufficient balance in his account and there was no over drawn amounts. Thus, denied the contention of the respondents in respect of (-) account of Rs. 53,172/- as on 31.10.2004.



10. From the record more particularly GP slips issued by the department from time to time right from 1984-85 till the retirement in 2004, all the A/c shows that there was satisfactory balance in the A/c of the applicant and the respondent authorities never informed in respect of reducing his A/c into (-). Similarly, the respondents never informed such reduction of the GPF A/c into (-) Rs. 53,172/- till his retirement and it was not in the notice of the applicant also. It is the case of the respondents that they come to know about such (-) account after retirement of the applicant on their verification. From this, it is clear that applicant is not aware in respect overdrawn of his GPF A/c maintained by the respondent authorities. Even if there was such mistake in the A/c of the applicant and it was purely on the part of the respondent authorities, who maintain such account and who used to maintain entries of deposits and withdrawals and thereafter supplied GPF slips to the applicant regularly from 1984-85 onwards. Further, it is not the case of the respondents that the said mistake was crept at the instance of the applicant. In such circumstances, more particularly when the respondent authorities wants to make correction in respect of balance amounts of the applicant and when it is going to reduce his amount into overdrawn and requires correction of such mistake, it is the duty of the respondent authorities to inform the applicant in respect of such error and also after giving an opportunity to the applicant they are at liberty to take decision.

11. But in the instant case, no such opportunity was given to the applicant and till his retirement they never made any complaint that there was some error in his A/c. Added to it, they have also issued GPF slips every year for about 9 years for about giving an impression that amounts are there to his credit and after retirement taking the stand that some errors are in the A/c of

the applicant and correcting unilaterally without bringing it to the notice of the applicant and asking him for reimbursement of the same by way of recovery from retriial benefits is not at all justified and it is nothing but violation of the Principle of Natural Justice and as such the applicant is justified in questioning the impugned orders covered under Annexure-1 and Annexure-2 under which, the respondents authorities asked the applicant for payment of Rs. 53,172/- on the ground that there was some error or (-) balance in his <sup>G.P.F</sup> A/c for the year 1984-85.

12. In the result, OA is allowed quashing the impugned order covered under Annexure-1 and Annexure-2 with a direction to the respondent authorities to pay the balance GPF amounts of Rs. 19,989/- lying to the credit of the account of the applicant on the date of his retirement as on 31.10.2004 with admissible interest as per rules till the date of payment. The respondents are at liberty to take steps against the applicant, for recovery of excess amount if any, if there was any error in the GPF A/c of the applicant and made excess payments after giving show cause notice and adopting the procedure as per rules. No costs.

  
(M. KANTHAIYAH)  
MEMBER (J)

07.07.2008

/amit/