

CA-24426

Shri. Durga Prasad.

Shri. M. L. Paswan, Registrar Incharge.

....

Nobody is present on behalf of the applicant.

The application is in order. Let it be registered and placed before the Hon'ble Bench on 01.05.96 for hearing on admission.

✓

PKL

(M. L. Paswan)
Registrar I/C

2/01.05.96

Counsel for the applicant : Shri A.K.Gupta.

At the request of learned counsel for the applicant, let this matter be adjourned to 09.05.1996 for admission.

N.K.Verma
(N.K.Verma)
Member (A)

SKT

3/9.5.1996

Counsel for the applicant:Shri A.K.Gupta

On request, the case is adjourned to
27.5.1996 for admission.

N.K.Verma
(N.K. Verma)
Member (A)

MPS.

4./ 27.5.96. Counsel for the applicant : Shri N.P. Verma.

Heard learned counsel for the applicant.

The applicant was removed from service in the year 1975 as per Annexure A/1 and A/2. He has filed this after OA/nearly 20 years of that happening for quashing those orders. On the face of it, the OA is not maintainable because of the law of limitation. Sh N.P. Verma, however, prayed that the prayer No. 3 regarding ~~refund~~ of provident fund and other gratuity amount cannot be treated as time barred as this is the recurring cause of action. The money contributed by him under CPF is being maintained by the respondents even today as under law, the contributory fund account cannot be closed unless the same is withdrawn finally by the subscriber. The applicant in this matter has not withdrawn his CPF ~~amount~~ held at his balance and accordingly that account must be available with the respondents for refund to the applicant. He prayed that this part of the OA may be admitted and interim order be passed. I find some force in the argument of Shri Verma in regard to the claim of refund of accumulated amount as the same has not been withdrawn. Let notices be issued to the respondents with regard to the limited prayer returnable within six weeks. List this case on 16.7.96 for hearing on admission.

N.K.Verma

(N.K. Verma)
Member (A)

Requieire for notice
not filed till today
M.K. Verma
15/5/96

5/16.07.96

Counsel for the applicant : Shri A.K.Gupta.

Shri A.K.Gupta, learned counsel for the applicant states that Sr. Counsel engaged in this matter is not available today and in view thereof he prays for a short adjournment.

List this case on 24.07.1996 for admission.

N.K.V.
(N.K.Verma)
Member (A)

SKJ

6/ 24.7.96. Counsel for the applicant : Shri N.P. Verma.

Counsel for the respondents: None.

No reply has been filed in spite of the

notices issued on 22.7.96. Requisites was filed on 19.7.96. Let this matter be fixed for hearing on admission on 26.8.96.

N.K.V.
(N.K.Verma)
Member (A)

7/26.8.96 Counsel for the applicant ... Mr. A.K.Gupta

Counsel for the respondents...Mr. P.K.Verma

Heard Shri A.K.Gupta. Shri P.K.Verma states that he has been assigned to this case and he has filed Vakalatnama. W.S. in this matter will be filed by Shri Verma in regard to GPF amount within a month from now. The case be heard for admission in regard to the GPF dues on 30.9.96.

N.K.V.
(N.K.Verma)
Member (A)

SKS

DA - 242/96

8./ 30.9.96. Shri A.K. Gupta, the counsel for the applicant.

The case is adjourned to 27.11.96 for hearing
on admission as prayed for.

/CBS/

(K.D. Saha)

Member (A)

(V.N. Mehrotra)

Vice-chairman

9./ 27.11.96

On the prayer made on behalf of the learned
counsel for the applicant, the case is adjourned to
8.1.97 for admission.

2. The name of the respondents' counsel, Shri P.K. Verma
be also indicated in the cause list.

/CBS/

(K.D. Saha)

Member (A)

(V.N. Mehrotra)

Vice-chairman

10./ 8.1.97.

List it on 27.1.97 for hearing on admission.

/CBS/

(V.N. Mehrotra)

Vice-chairman

11/27.01.97

List on 13.03.1997 for admission.

SKJ

(V.N. Mehrotra)
Vice-chairman

12./ 13.3.97. On the request made by Shri D.G. Dastigar, the proxy counsel on behalf of Shri A.K. Gupta, with consent of other side, the case is adjourned to 14.5.97 for hearing on admission.

/CBS/

(S.R. Adige)

(V.N. Mehrotra)

Member (A)

Vice-chairman

13/14.05.97

List on 31.07.1997 for hearing on admission.

SKJ

(V.N. Mehrotra)
Vice-Chairman

14/31.07.97

List on 19.09.1997 for hearing on admission.

SKJ

(V.N. Mehrotra)
Vice-Chairman

15
19.9.97

List on 24.11.97 for admission.

CM

(V.N. Mehrotra)
Vice-Chairman

16./ 24.11.97. W/S has not been filed so far. Three weeks further time is allowed for the same. Rejoinder may be filed within two weeks thereafter. List it on 29.1.98 for admission.

/CBS/

(S. Das Gupta)

(V.N. Mehrotra)

Member (A)

Vice-chairman

17/05.08.98 Shri A.N.Banerjee, counsel for the applicant.

Shri P.K.Verma, counsel for the respondents.

The learned counsel for the respondents states that he will be filing W/s today and a copy of the same has been served on the learned counsel for the applicant. The learned counsel for the applicant is allowed three weeks time to file rejoinder.

List for admission on 29.10.1998 alongwith
M.A. 259/97.

W/S filed
on behalf
of the respo-
ndents
11.8.98
SKJ

SKJ
(L.R.K.Prasad)
Member(A)

VN
(V.N.Mehrotra)
Vice-Chairman

18./ 29.10.98. Shri A.N. Banerjee, the counsel for the applicant.

The learned counsel for the applicant states that he will be filing rejoinder to the W/S indicating therein the GPF No. and attaching relevant documents. He is allowed one week's time to file rejoinder. List it on 27.11.98 for admission along with MA 259/97.

/CBS/

LJH
(LAKSHMAN JHA)
MEMBER (J)

RP
(L.R.K. PRASAD)
MEMBER (A)

19/27.11.98

On the request made on ~~the~~ behalf of the learned counsel for the applicant, list it on 12.1.1999 for admission alongwith MA 259/97.

Rejoinder filed
on 4.12.98.
AM.

AM
(LAKSHMAN JHA)
Member (J)

RP
(L.R.K. PRASAD)
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH PATNA

Order Sheet

..... Application No. Q.A.242/96 199 in

Applicant (s)..... Respondent (s).....

Advocate for Applicant (s)..... Advocate for Respondent (s).....

Note of Registry	Orders of the Tribunal
20/12.1.1999 MPS.	Shri R. B. Ojha, counsel for the applicant. Shri P. K. Verma, Counsel for the respondents. At the request of the learned counsel for the applicant, list it for admission on 23.3.1999. <i>Ojha</i> (Lakshman Jha) Member (J) <i>Verma</i> (L. R. K. Prasad) Member (A)
21/23.3.99.	As the Member (J) has not come to the office due to a unavoidable reason list it on 7.4.99 for admission.
SKS	(L.R.K. Prasad) Member (A)
22./ 7.4.99.	List it on 18.5.99 for hearing on admission. <i>PRASAD</i> (L.R.K. PRASAD) MEM BER (A)
23/18.5.1999	Shri A. N. Banerjee, counsel for the applicant. None for the respondents. Heard the learned counsel for the applicant and perused the materials on record including written statement filed by the respondents and rejoinder filed by the applicant. 2. This case was filed with the following prayer :-

P.T.O.

- i) For quashing the order dated 18.7.1975 and 16.8.1979 contained in Annexure-1 and 2 respectively.
- ii) For commanding the respondents to treat the applicant as on duty since 18.7.1975 and further pay him all arrears of salary and other allowances etc. as admissible to him in law.
- iii) For commanding the respondents to immediately pay the petitioner of his Provident Fund amount gratuity and other dues.
- iv) For any other relief/reliefs as your lordships may deem fit and proper.

3. Earlier, this O.A. was considered by this Tribunal and an order was passed on 27.5.1996 stating that the O.A. is not maintainable, because of law of limitation. However, regarding refund of Provident Fund and other Gratuity Amount, the matter can be considered. Accordingly, the learned counsel for the applicant stated that, let the matter be confined to GPF and related matter. The applicant is not pressing for the relief 8(i) and 8(ii), in view of the order already passed by this Bench on 27.5.1999 and we would like only ^{for} ~~to~~ ^{only} ~~and~~ ~~for~~ payment of provident fund amount and related matters standing to his credit till the date of payment.

4. In para 8 of the W/s, the respondents have stated that the applicant has not disclosed the provident fund number and, therefore, it is not possible to make enquiry about the allegation of non payment of provident amount. Through rejoinder, the applicant has indicated that his CPR depositor No. is 332425.

5. We have considered the entire matter and we direct that the applicant should furnish his CPR depositor number to the respondents concerned. If there is any other dues payable to the applicant as per rule, the same should also be considered and if the claim of the applicant is admissible as per law, necessary payment may be made. On receipt of the CPR number, the

O. A. No. 242/96

Respondents shall take steps for settlement of the Provident Fund dues and any other admissible dues of the applicant in accordance with law within a period of three months from the date of receipt of a copy of this order. With the above direction, this O.A. is disposed of accordingly at the admission stage itself.

LJ
(Lakshman Jha)
Member (J)

L.R.K.P.
(L.R. K. Prasad)
Member (A)

MPS.