

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 581/99

DATE OF DECISION: 13/1/2000

Shri M.B.Shaha Applicant.

Shri S.V.Marne

-----Advocate for
Applicant.

Versus

Min.of Defence & 4 Ors.

-----Respondents.

Shri R.K.Shetty

-----Advocate for
Respondents.

CORAM:

Hon'ble Shri D.S.Baweja, Member(A).

1. To be referred to the Reporter or not? ✓
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library. ✓


(D.S.BAWEJA)
MEMBER(A)

CENTRAL ADMINISTRATIVE TRIBUNAL5
MUMBAI BENCH
ORIGINAL APPLICATION NO:581/99
DATED THE 13TH DAY OF JANUARY,2000.

CORAM:HON'BLE SHRI D.S.BAWEJA, MEMBER(A)

Shri M.B.Shaha,
Senior Mechanic
(Refrigeration &
Air-conditioning),
Highly Skilled Grade-1,
MES No.157 972

Working under
Garrison Engineer(North),
General Cariappa Marg,
Pune - 411 001.

... Applicant.

By Advocate Shri S.V.Marne.

v/s.

1. The Union of India, through
The Secretary,
Ministry of Defence,
New Delhi.
2. Deputy Controller of
Defence Accounts(Funds),
Meerut.
3. Controller of Defence
Accounts,
(Southern Command),
Pune-411 001.
4. The Commanding Works Engineer,
Mayor Road, (Gen.Carriappa Marg),
Pune - 411 001.
5. The Garrison Enigneer(North),
Mayor Raod, (Gen.Carriappa Marg),
Pune - 411 001.

... Respondents.

By Advocate Shri R.K.Shetty.

(ORDER) (ORAL)

Per Shri D.S.Baweja, Member(A).

This OA has been filed by the applicant seeking direction
to the respondents to issue correct Provident Fund slips for the

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years 1995-96 to 1998-99 after taking into consideration the credits to the tune of Rs.78,128/- which are required to be credited to the applicant's P.F. He has also sought quashing of order dated 7/4/99.

2. The respondents have filed written statement. In the written statement the respondents have brought out that the wrong debit of Rs.15,095/- in the year 1995 has been accepted and necessary corrective action has been taken including the payment of interest due on this amount. After verification, credits have been made to the account of the applicant's PF and the total amount works to nearly Rs.67,127/ Respondents have also stated that revised PF slips for the years 1995-96 to 1998-99 shall also be issued to the applicant.

3. Heard Shri S.V.Marne for Applicant and Shri R.R.Shetty for Shri R.K.Shetty for Respondents.

4. In view of what is now brought out by respondents in the written statement, the Counsel of the applicant confirmed that the applicant has no dispute regarding the total amount to be credited to the PF Account now indicated by the respondents. The only grievance which now survives is that the revised PF slips for the relevant years have not yet been furnished to the applicant. The applicant also pressed that respondents should be awarded the cost as the applicant has been forced to litigate for the correct crediting of amounts to his PF account which was required to be done without any representation.

5. As regards the issue of revised PF slips of relevant years is concerned, the respondents have already agreed to furnish the same. In respect of the cost, of OA the counsel for the ...3.

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respondents strongly opposes the same. He submitted that as per document at R-1, action had been taken to settle the dispute regarding the wrong debit of Rs.15,095/- much before filing of the OA on 21/4/99. The applicant was also apprised of the same as per the Impugned order at A-1) Based on the representations received, from the applicant, matter regarding proper credits to the PF account of the applicant was also under process and he drew our attention to letter dated 17/12/98 at R-3 in support of this statement.

The Counsel for Applicant on the other hand strongly advocated that the applicant had been forced to seek legal remedy because of the lapses on the part of the respondents in not maintaining the Provident Fund account properly and not taking remedial steps inspite of pointing out the mistakes.

Keeping in view the rival contentions, I am of the considered view that based on the documentary evidence brought on the record by the respondents, the action had already been initiated to rectify the mistakes in the PF account and one item of the dispute had already been settled by respondents before the OA was filed. If the applicant waited for some more time, his grievance would have been settled.

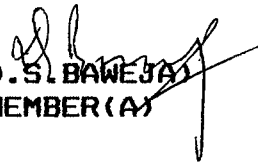
In view of this, I do not find that any case for award of cost against the respondents is made out.

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6. In view of the above the OA is allowed with the direction that the revised PF slips for the years 1995-96 to 1998-99 shall be furnished to the applicant within a period of four months from the date of receipt of this order. No orders as to costs.


(D.S. BAWEJA)
MEMBER (A)

abp.