

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 640/2001

THIS THE 06TH DAY OF MAY, 2002

CORAM: SMT. SHANTA SHASTRY. .. MEMBER (A)

Shri P.K. Patil,
resident of Gajanan Co-op Hsg. Society,
Plot No.15, Room No.16,
Yashodhan Nagar,
Thane (West.) .. Applicant

By Advocate Shri P.A. Prabhakaran.

Versus

Union of India through
The Station Director,
Prasar Bharati,
Broadcasting Corporation of India
vividh Bharathi Services,
All India Radio,
Gorari, Borivili (W),
Mumbai-400 091. ... Respondent

By Advocate Shri S.S. Karkera for Shri P.M. Pradhan

O R D E R (ORAL)

Heard Shri P.A. Prabhakaran for the applicant and Shri S.S. Karkera for the respondents. On the last occasion when the matter was heard on 26th March, 2002, the learned counsel for the applicant wanted to know the details of the GPF advance and also wanted to verify the statement regarding recovery of Rs.4629/towards difference of pay and allowances. The applicant was also disputing the recovery of Rs.490/towards CGHS subscription. The applicant was also asked to file an affidavit in case he was not satisfied. No affidavit has been filed by the applicant. However, the learned counsel for the applicant submits that now no dispute survives in regard to GPF except in regard to CGHS

contribution. The applicant is residing at Thane, where no CGHS facility is available and therefore, no deduction ought to have been made towards CGHS from his salary bills. On being questioned, the learned counsel for the applicant has produced a plain letter dated 12th August, 2000 wherein he has informed that his CGHS card has been lost and he had no use of the same. This letter is not acknowledged nor is there any stamp of receipt of the respondents. The respondents deny that they have received any such intimation from the applicant and therefore, in the absence of any intimation from the applicant, they have to deduct the contribution to CGHS as it is due from the Government servant. The learned counsel for the applicant again argued that the respondents are fully aware that the applicant is staying in Thane and he has no use of the CGHS card.

2. I have considered the rival pleadings. In my considered view the applicant has not been able to establish that he has properly intimated the respondents about the surrendering of his CGHS card. So long as the card is not surrendered, the respondents are justified in deducting the contribution towards CGHS. The respondents also have denied that they have received any letter from the applicant regarding surrendering of the CGHS card.

3. As the rules provide for surrendering of the card, I cannot accept the contention of the applicant that no deduction is liable to be made towards CGHS contribution. The applicant is therefore, liable to pay the contribution.

4. In OA 708/2000 the Tribunal had asked the respondents to consider the application/ representation of the applicant and dispose of the same. Until then the interim relief granted in regard to recovery was to continue.

5. It is seen that a representation was given by the applicant on 24.4.2001 and another application was given on 12.5.2001. The same were considered by the respondents and disposed of. In the representation of 24.4.2001 the applicant had only mentioned that he was residing at Thane and therefore, there is no liability for CGHS contribution and recovery on this count. Further, the applicant did not show any proof of having surrendered his CGHS card. In the absence of which recovery could not be waived.

6. Learned counsel for the respondents also argued that there is a procedure laid down whenever the CGHS card is lost, the same has to be reported in the police station. The applicant apparently has failed to follow

the procedure required to be adhered to in this respect. Since the applicant is making repeated averment that he lost CGHS card and he has no use for the card, the applicant is directed to give a letter to the respondents clearly stating that he is surrendering his CGHS card. He should quote the number allotted and complaint in the police station regarding loss of his card and the respondents shall stop recovering CGHS contribution of the applicant from the date such representation is made treating as if the applicant had surrendered the CGHS card from the date of submission of representation. Interim relief granted is vacated hereby. In the circumstances, since the respondents have paid all the dues and the recovery has been explained satisfactorily, no relief can be granted. Now that all the recovery has been satisfactorily explained the OA stands disposed of with the above direction. No costs.

Shanta J

(SMT. SHANTA SHASTRY)
VICE CHAIRMAN

Gajan

du 6/5/22
~~Order/Judgment despatched~~
to applicant/respondent (s)
on 14/5/22

2