

ANNEXURE -A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE

195/89 (L) of 1989 (L)

NAME OF THE PARTIES

Shri R.S. Senapati Applicant

Versus

C.A. & others Respondent

Part A, B & C

Sl.No.	Description of documents	PAGE
A1	Check List	2
A2	order sheet	1
A3	Judgement dt. 16.7.91	2
A4	Petition copy	11
A5	Annexures	10
A6	counter	13
A7	lower	1
A8	Rejoinder	4

Certified that no further action is required to be taken and that

the case is fit for closing in view of the facts stated above.

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File B/C destroyed on 09-5-12.

(21)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

9/8/89

Registration No. 195 of 1989 (L)

APPLICANT(S) R.S. Srivastava

RESPONDENT(S) Union OF India & Others.

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent ?	yes
2. a) Is the application in the prescribed form ?	yes
* b) Is the application in paper book form ?	yes
c) Have six complete sets of the application been filed ?	5 sets have been filed
3. a) Is the appeal in time ?	yes
b) If not, by how many days it is beyond time?	N.A
c) Has sufficient case for not making the application in time, been filed?	yes
4. Has the document of authorisation/ Vakalatnama been filed ?	No
5. ✓ Is the application accompanied by B.D./Postal Order for Rs.50/-	yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	yes
c) Are the documents referred to in (a) above neatly typed in double space ?	yes
8. Has the index of documents been filed and paging done properly ?	yes
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?	yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	No

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<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	yes
12. Are extra copies of the application with Annexures filed ?	yes
a) Identical with the Original ?	yes
b) Defective ?	no
c) Wanting in Annexures	no
Nos. _____ pages Nos _____ ?	
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	no
14. Are the given address the registered address ?	yes
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	yes
17. Are the facts of the case mentioned in item no. 6 of the application ?	yes
a) Concise ?	yes
b) Under distinct heads ?	yes
c) Numbered consecutively ?	yes
d) Typed in double space on one side of the paper ?	yes
18. Have the particulars for interim order prayed for indicated with reasons ?	no
19. Whether all the remedies have been exhausted.	yes

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 195 of 1989. (L)

APPELLANT
APPLICANT

R.S. Srivastava

VERSUS

DEFENDANT
RESPONDENT

Union of India

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<u>10-8-89</u>	<p><u>Hon'ble Mr. D.K. Agrawal, J.M.</u></p> <p>Heard the learned counsel for the applicant.</p> <p><u>Admit.</u></p> <p>Issue notice to respondents to file counter affidavit within six weeks to which the applicant may file rejoinder within two weeks thereafter.</p> <p>List this case on 2-11-89 for orders/hearing as the case may be.</p> <p>MEMBER (J)</p> <p>(rrm)</p> <p><u>Hon' Mr. D.K. Agrawal, J.M.</u></p> <p>Shri R.S. Srivastava applicant is present. Shri V.K. Chaudhary counsel for the respondents informs that counter reply is under preparation. He seeks some time to file the same. Allowed. Let counter be filed within four weeks to which the applicant may file rejoinder, if any, within two weeks thereafter. List this case on <u>11-1-90</u> for orders/hearing as the case may be.</p> <p>J.M.</p>	<p>OR</p> <p>Notices were issued on 14.8.89.</p> <p>Neither reply nor any unserved legal counsel has been returned back.</p> <p>Submitted for order.</p> <p>11/1/89</p> <p>No CA filed SFO</p>

2/11/89

(sns)

11-1-90

No sitting

Ad. to 15-3-90

11/1/90

13/3

(A-3)
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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

Date of order: 16.7.91

O.A. No. 195/89(L)

R.S. Srivastava

Applicant.

versus

Union of India & others

(The Comptroller & Auditor
General of India & others)

Respondents.

Hon. Mr. Kaushal Kumar, Vice Chairman.

Hon. Mr. D.K. Agrawal, Judl. Member.

(Hon. Mr. Kaushal Kumar, V.C.)

Applicant in person. Shri V.K. Chaudhary for the
respondents.

2. In this application filed under section 19 of the
Administrative Tribunals Act, 1985 the limited grievance
of the applicant is that he should be paid interest
at the rate of 18 per cent instead of 7 and 10 per cent
as already paid by the respondents on the delay in the
payment of withheld gratuity and excess recovery of
Scooter Advance. The applicant who has argued his case
in person, has relied on the judgment of this Tribunal
in K.L. Sharma vs. Union of India & others (1988) 7, A.T.C.,
49) ^{for} in his claim for enhanced rate of interest. In the
case relied upon by the applicant there was delay in
payment of pension which was wrongfully reduced and the

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delay in payment was held to be culpable. In the instant case we do not find any deliberate or wilful delay on the part of respondents. This was a case of inadvertence and the moment the respondents realized that excess recovery had been made wrongfully, the same was refunded to the applicant on 9.1.90 after *this* application had been filed. The respondents have also paid interest on the delayed payment on the withheld amount of D.C.R.G. As such, we do not find any merit in the claim for payment of interest on enhanced rate.

3. As regards costs, the matter has been argued by the applicant in person and we allow a sum of Rs 250/- towards costs to the applicant. This amount shall be paid to the applicant by the respondents within a period of two months of the date of receipt of copy of this judgment.

4. The Original Application stands disposed of with the above directions.

Dr. Aggarwal

Adm. Member.

Shakeel
16.7.91

Vice Chairman.

Shakeel/

Lucknow Dated: 16.7.91.

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FORM I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH, LUCKNOW.

R.S. Srivastava.

... Applicant.

Versus

The Comptroller and Auditor
General of India & Others.

... Respondents.

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

Title of the case : Claim of interest on delayed
payment of residual balance
of D.C.R.G.

I N D E X

Sl.No.	Description of documents relied upon.	Page Nos.
1.	Application.	1 - 10
2.	Copy of last pay Certificate issued from Indian Institute of Sugarcane Research, Lucknow.	Annexure A-1. 11-12
3.	Copy of letter No.255, dated 16.11.78.	Annexure A-2. 13-14
4.	Copy of Reminder dated 16.1.1979.	Annexure A-3. 15
5.	Copy of letter No. PAO/ Pension/C.No.923/86-87/783, dated 19.1.87.	Annexure A-4. 16
6.	Copy of letter written by applicant after 19.1.87.	Annexure A-5. 17-18
7.	Copy of letter dated 31.1.89 written by application to C.A.G.	Annexure A-6. 19-22

*Filed by
Nalini for
10.8.89*

Respondents

R. S. Srivastava

SIGNATURE OF APPLICANT.

(4)

FOR USE IN TRIBUNAL OFFICE.

Date of filing	<u>9.8.89.</u>
or	
Date of receipt by post	<u> </u>
Registration No.	<u>195/89 (L)</u>
Signature:	
For Registrar.	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH - CIRCUIT BENCH, LUCKNOW.

R.S.SRIVASTAVA, S/o late Shri Lachchu Ram, resident
of 4/553, H.I.G., Sai Sadan, Vikas Nagar, Kursi Road,
Lucknow ; retired as Audit Officer from A.G.Audit-I,
U.P., Allahabad. ... APPLICANT.

Versus

1. The Comptroller, and Auditor
General of India, 10, Bahadur
Shah Jafar Marg, New Delhi-110002.
2. The Accountant General,
Audit-I, U.P., Allahabad.
3. Pay and Accounts Officer,
Allahabad through the Accountant
General, Accounts-I, U.P.,
Allahabad. ... RESPONDENTS.

DETAILS OF THE APPLICATION.

- (1) Particulars of order against which the
application is made.

The Comptroller and Auditor General of
India, New Delhi was requested on 31.1.1989 to
allow interest but more than six months have elapsed
and no reply has been received.

R. S. Srivastava

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(2) Jurisdiction of the Tribunal.

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

(3) Limitation.

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1985.

4.1: That the applicant was appointed as U.D.C. in the office of the A.G., U.P., Allahabad in the year 1951. He passed the S.A.S. Examination conducted by C.A.G. in the year 1962 and was promoted as Section Officer in the same year. He was promoted as Accounts Officer in the year 1978. When re-structure of cadres in I.A.A.D. took place in 1984, he was re-designated as Audit Officer. He retired from Government Service on 31.10.1986 as Audit Officer from the office of A.G. Audit I, U.P., Allahabad.

4.2: That while in service the applicant was disbursed an amount of Rs. 3000.00 in the year 1972 as Scooter advance.

4.3: That the applicant was sent on deputation to Indian Institute of Sugarcane Research, Lucknow in the year 1972.

R. S. Srivastava

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4.4: That 60 instalments of Rs. 50.00 each were to be recovered from pay of the applicant alongwith interest @ 5½% per annum on the said Scooter advance.

4.5: That 54 instalments of Rs. 50/- each were recovered from the pay of the applicant during his deputation period at the Indian Institute of Sugarcane Research, Lucknow. The L.P.C. issued by the said Institute will confirm the said assertion. A photostat copy of L.P.C. is being filed as Annexure No.A-1 to this application.

4.6: That the applicant was repatriated to his parent office (A.G. U.P.I. Allahabad) in the month of May, 1977.

4.7: That, since 54 instalments were recovered at the Indian Institute of Sugarcane Research, Lucknow, only 6 instalments @ Rs.50/- each together with the interest @ 5½% remained to be recovered from the pay of the applicant i.e. Rs. 300.00 as principal amount and Rs. 419.40 was to be recovered as interest (total Rs. 719.40).

4.8: That the A.G. U.P.I, Allahabad recovered a sum of Rs. 919.40 by deductions from the paybills of the applicant for the period from 5/77 to 11/78 i.e. Rs. 200.00 were deducted in excess.

4.9: That the applicant wrote to A.G. U.P.I, Allahabad

R. S. Srivastava

on 16.11.1978 that excess amounts were recovered from his pay and requested for the refund of the excess amount recovered from his pay. A reminder dated 16.1.1979 was also sent but of no avail. The copies of letters dated 18.11.1978 and 16.1.1979 are being filed as Annexures A-2 and A-3 to this application.

4.10: That the applicant retired on 31.10.1986 A.N.

4.11: That the Pay and Accounts Officer, A.G.U.P.I, Accounts, Allahabad responsible for making payments of pension and D.C.R.G. withheld an amount of Rs.3315.95 from the applicant's D.C.R.G. vide letter No.PAO/Pension C No.923/86-87/783, dated 19.1.1987 which is being filed as Annexure A-4.

4.12: That out of amount of Rs. 3315.95, an amount of Rs. 1000.00 was released for payment in the month of January, 1987 and the balance amount of Rs.2315.95 remained outstanding for refund to the applicant.

4.13: That the said amount of Rs. 2315.95 was wrongly been shown in the record of A.G. as Rs.1280.60 outstanding against the applicant as part of Scooter Advance and Rs. 1035.35 as interest thereon.

4.14: That subsequent to release of the amount of Rs. 1000.00 vide letter dated 19.1.1987, from A.G. U.P. Audit-I, a letter was sent by the applicant requesting that ~~sar~~ since all amount (Principal + Interest) was recovered from his paybills, the

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withheld gratuity should be released in favour of the applicant. The letter is being filed as Annexure A-5.

4.15: That after long correspondence, the amount of Rs. 500.00 was paid vide Bank Draft dated 17.10.1988 and Rs. 2016.00 vide Bank Draft dated 8.5.1989 by A.G. Audit-I, U.P., Allahabad.

4.16: That the Comptroller Auditor General of India New Delhi was also addressed on 31.1.1989 in the matter and the applicant requested him for payment of interest also on the excess amount recovered from him. Subsequently reminder was also sent on 31.3.89. A copy of letter dated 31.1.1989 is being filed as Annexure A-6.

4.17: That the applicant in the letter dated 29.5.1989 addressed to C.A.G., it was emphasised that interest on delayed payment of gratuity was admissible vide para 68 of the Central Civil Services (Pension) Rules, 1972 as the applicant was not at all responsible for delayed payment of the gratuity.

4.18: That the fact that the applicant was to retire on 31.10.1986 was well known to A.G. U.P.I Audit Allahabad and Pay and Accounts Officer, A.G. Accounts I, Allahabad.

R. S. Srivastava

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4.19: That the service records of the applicant were to be completed by the opposite parties no. 2 and 3 before 31.10.1986 but they both took no action on the issue.

4.20: That in case action would have been taken by the opposite parties no. 2 and 3 to complete the records in time, it would have come to their notice that the Scooter advance plus interest had already been recovered from the applicant and as such there was no justification to withhold the payment of his gratuity amounting to Rs. 2315.95 which amount should have been released on 1.1.1987.

4.21: That in case the applicant would have been given a chance to explain about the outstanding amount, the position could have been clarified by the applicant and delay in payment of ~~residual~~ residual balance of D.C.R.G. would not have occurred.

4.22: That due to the lapse on the part of opposite parties no. 2 and 3 to complete the ~~service~~ service records of the applicant timely, the delay was caused in payment of Residual balance of D.C.R.G. of Rs. 2315.95.

4.23: That since the applicant had already repaid the whole principal amount of Rs. 3000.00 of Scooter advance plus interest thereon by November, 1978, the applicant could not be held responsible for any lapse on his part.

R. S. Swaraj

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4.24: That the amount of Rs. 1295.20 has become due for payment to the applicant as interest @ 18 P.A. for delayed payment of residual balance of D.C.R.G. and excess deduction of Rs. 200.00. The details are given below:-

Interest on Rs. 200.00	
Deduction in excess for the period 12/78 to 4/89-10 Yrs. 5 Months	375.00
Interest on Rs. 500.00	
from 1/87 to 9/88 1yr. 9 months.	157.50
Interest on Rs. 1816.00	
from 1/87 to 4/89 2yrs. 4 months.	762.70
Total Rs.	1295.20

4.25: That after exhausting the departmental remedies the applicant is filing the present application before the Hon'ble Central Administrative Tribunal for enforcement of his legal rights to recover the said amount of interest from opposite parties no. 2 and 3.

Grounds for relief with legal provisions:

- 5.1: Because the delay in payment of Residual balance of D.C.R.G. of Rs. 2315.95 due to the lapse of opposite parties no. 2 and 3.
- 5.2: Because the applicant had already paid the principal amount of Rs. 3000.00 together with interest thereon by November, 1978, there was no lapse on the part of the applicant.
- 5.3: Because interest is payable due to delayed payment of residual balance of D.C.R.G. of

R. S. Srivastava

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Rs. 2315.95 vide paragraph 68 of Central Civil Services (Pension) Rules, 1972.

5.4: Because the Supreme Court and the Hon'ble Central Administrative Tribunals have held in various judgments that such interest is payable.

6. DETAILS OF THE REMEDIES EXHAUSTED.

The applicant declares that he has availed of all the remedies available to him under the relevant service rules.

The Comptroller and Auditor General of India was addressed in the matter on 31.1.1989 but no reply has been received ~~thru~~ though more than six months have passed.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other bench or the Tribunal nor any such application, writ petition or suit is pending before any of them.

8: Reliefs sought:

In view of the facts and grounds in the foregoing paragraphs, the applicant prays that this

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Hon'ble Tribunal be pleased to allow the following relief(s):

(i) The applicant be declared entitled to the payment of Rs. 1295.20 as interest @ 18% per annum on excess deduction of Rs. 200.00 on Scooter advance from December, 1978 to April, 1989 and on an amount of Rs. 2315.95 of D.C.R.G. from 1st January, 1987 till date of payment.

(ii) That the Hon'ble Tribunal may be pleased to direct consequently opposite parties no. 1, 2 and 3 to arrange payment of above amount to the applicant at the earliest.

(iii) The Hon'ble Tribunal may be pleased to allow any other relief/reliefs as deemed fit in the circumstances of the case.

(iv) The Hon'ble Tribunal may be pleased to allow the cost of the application.

9: Interim order if any prayed for:
No Interim relief prayed for.

10: The application is being submitted personally-
is to be heard at Lucknow.

11: Particulars of postal order.

Postal order No. ^{BD} 4 795084 dated 2.8.1989
for Rs. 50.00 issued from Gokhle Marg Post
Office, Lucknow.

Tr. S. Srivastava

12: List of enclosures:

As per Index and one postal order,
as detailed in paragraph 11 above.

VERIFICATION.

I, R.S.Srivastava, son of late Shri Lachchu Ram, aged about 61 years, retired as Audit Officer, A.G., U.P. Audit I, Allahabad, resident of 4/553-H.I.G., Sai Sadan, Vikas Nagar, Kursi Road, Lucknow do hereby verify that the contents of paragraphs 1 to 12 are true to my personal knowledge and paragraphs x to x believed to be true on the basis of legal advice and that I have not suppressed any material fact.

Date: August 8, 1989.

Place: Lucknow.

R.S. Srivastava

SIGNATURE OF THE APPLICANT.

R.S. Srivastava

अन्तिम वेतन पत्र LAST PAY CERTIFICATE

1. के का अन्तिम वेतन पत्र पर खाना हो रहा है।
Last pay certificate of Shri R.S. Srivastava, Accounts Officer of the Indian Institute of Sugar Research, Lucknow Proceeding on reversion to the office of A.A.P.R.I. Allahabad.

2. उक्त निम्नलिखित दरों पर तक के लिए अग्रगण्य कर दी गयी है :-
He has been paid up to 21-5-1977 (A.I.) at the following rates :-

व्योरा/Particulars	दर/Rate
मूल वेतन Substantive Pay	Rs. 500.00
स्थानापन्न वेतन Officiating Pay	D.A. 215.00
भत्ते आदि Allowances etc.	D.A. 50.00
	36.00
	13.50
	44.50

3. उसका सामान्य भविष्य निधि लेखा संख्या महालेखाकार द्वारा रखा जाता है।
His General Provident Fund Account No. GPF monthly subscription at the rate

4. उसने 31-5-77 तक के पूर्वाह्न/अपराह्न को 12-5-77 का पद भार सौंप दिया।
He made over charge of the office of the Accounts Officer, I.I.S.R., Lucknow on the fore noon of 12-5-1977

5. पृष्ठभाग पर दिए गए व्योरे के अनुसार सरकारी कर्मचारी के वेतन में से कटौतियां की जानी हैं।
Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

6. उसे नीचे दिए गए व्योरे के अनुसार छुट्टी वेतन अदा किया गया है। पृष्ठभाग पर लिखे अनुसार कटौतियां की गई हैं।
He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

अवधि/Period	दर/Rate	राशि/Amount
From 12-5-77 से 30-5-77 तक रु० 800/- प्रतिमास to at Rs a month		Rs. 490-30
From से 1 तक रु० प्रतिमास to at Rs a month		
From से तक रु० प्रतिमास to at Rs a month		

7. वह निम्नलिखित लेन का हकदार है :-
He is entitled to draw the following :-

8. वह दिन के कार्यग्रहण अवधि का भी हकदार है।
He is also entitled to joining time for as per normal rules days.

9. निम्नलिखित बीमा पालिसियों की वित्त व्यवस्था वह भविष्य निधि में से करता है :-
He finances the Insurance policies detailed below from Provident Fund :-

बीमा कंपनी का नाम Name of Insurance Company	पालिसी संख्या No. of Policy	प्रीमियम की राशि Amount of Premium	प्रीमियम अदा करने की नियत तारीख Due date for the payment of Premium

10. उस वर्ष के आरम्भ में अब तक उन्हीं वसूल किये गये आयकर का विवरण पृष्ठभाग पर लिखा है।
The details of the income tax recovered from him up to the date from the beginning of the current year are noted on the reverse.

हस्ताक्षर/Signature 30/-
तारीख/Dated 19 पदनाम/Designation (J.N. Mulrajji) Accounts Officer, I.I.S.R., Lucknow

टिप्पणी :- कम संख्या 3 के सामने की सूचना अराजपत्रित सरकारी कर्मचारियों के मामले में कार्यालय ग्रन्थद्वारा और राजपत्रित अधिकारियों के मामले में खजाना अधिकारी/स्वयं अधिकारी द्वारा भरी जानी चाहिए। इसके अलावा जब कोई सरकारी कर्मचारी एक लेखापरीक्षा परिगण्डल से दूसरे परिगण्डल में स्थानान्तरित किया जाए तो स्थानान्तरण के बाद जो लेखा अधिकारी उसका सामान्य भविष्य निधि का लेखा रखे उसका नाम भी राजपत्रित अधिकारी के मामले में अन्तिम वेतन पत्र पर प्रतिहस्ताक्षर करते समय महालेखाकार द्वारा और अराजपत्रित सरकारी कर्मचारियों के मामले में, यदि संभव हो, कार्यालय ग्रन्थद्वारा लिखा जाना चाहिए।

Note - Against Serial No. 3 the information should be incorporated by the Head of the Office in case of non-gazetted Government servants and by the Treasury Officer/Officer himself in case of gazetted officers. In addition when a Government servant is transferred from one audit circle to another, the name of the Accounts Officer who will maintain his General Provident Fund Account after transfer, should also be recorded in the case of a gazetted Officer by the Accountant General while countersigning the Last Pay Certificate and by the Head of the Office in the case of non-gazetted Government servants, if possible.

NO CP IV/ 120 / 2002 / 255

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Dt 14.11.78

(PS/2)

In the Central Adm. Tribunal, Lucknow Bench, 16 Lucknow

Respondent ... Applicant

VS

The Accounts Officer (Cash)

CA 88010 ... Respondents. A/c. C.P.I. Allahabad

Sub Excess deduction of interest on scooter advance

Annexure A2

Sir,
I am to state that when I reverted from deputation from Indian Institute of Sugarcane Research Lucknow in May 1977 the last pay certificate indicated that 54 instalments had been received.

only 6th instalments @ 50/- each of principal amount were to be recovered. These were deducted from pay for 6/77 to 11/77.

Interest worked out to Rs 119.40. Eight instalments of Rs 50/- each + one instalment of Rs 19.40 should have been deducted but from 12/77 to 10/78 Rs 530/- have been deducted resulting into excess recovery.

It is requested that this may kindly be checked and excess amount of recovery refunded to me & further

TC. Alotted
Respondent
Advocate

Page no

5697

Dt 16.11.78

In the Central Administrative Tribunal,
NO CP XLIII/47 Lucknow Bench Dt 16-1-79
Lucknow
Rs. Srivastava -- Applicant
To CAG & others -- Respondents
The Accounts Officer
(cash)

15-
(AS
3)

Office of AGOP I Allahabad
sub - Excess deductions of instalments
of Book advance. Annexure A3

Sir,
I am to make a reference
to my letter NO CPV/LKO/zone/255
Dt 16.11.78 on the above subject,
and to request that excess
deductions were made but refund
has still not been made to me

It is requested that the
refund of excess deduction
may kindly be made at
the earliest

TC
Allahabad
Rameshwar
Admstr

Yours faithfully
Rameshwar Srivastava
Zonal Audit Officer

Lucknow

In the Centre Administrative Tribunal, Lucknow Bench, Lucknow

R.S. Somnath

Applicant

16

AS/4

P.No. 01/252 (old)

Respondents 01/101 (New)

Amusement A4

OFFICE OF THE ACCOUNTANT GENERAL (ACCOUNTS) I.
U.P. ALLAHABAD

No. P.O/Pension/C.No. 923/86-97/283

Dated:

To

^{Audit}
The Accounts Officer
O/O the A.G. (AcE) I, II and A.G. (Audit) I & II,
ALLAHABAD.

Subject: Payment of withheld no amount of D.C.R.G. to Shri
Ram Sevak Srivastava retired Audit Officer

Sir,

In continuation of the authority No. P.O/Pension/C.No. 923/
86-87/783/1081 dated 27-10-86. and the subject mentioned
above I am to state that a sum of Rs 3315 = 95 (Rupees Three
thousand three hundred fifteen) with held from the amount of
D.C.R.G. admissible to Shri Ram Sevak Srivastava retired
Audit Officer for want of certain information/documents. Since
the requisite information/Documents have been received it is
requested that a bill for the amount of Rs 3315 = 95 minus
Rs 2315 = 95 (X) Net Rs 1000 = 00 (Rupees One
thousand only) may please be prepared and sent to
this office for payment.

Yours faithfully,

PAY & ACCOUNTS OFFICER

No. P.O/Pension/C.No. 1574

of date 15/12

Copy forwarded for information and necessary action to:-

- (1) The Section Officer P.O. Pre-Check Branch A.G. U.P.,
(A/C's) I, Allahabad.
- (2) Shri R. S. Srivastava 50 old Mahanagar Lucknow
- (3) The Accounts Officer PC I O/O the AG Audit I
Audit

Allahabad.

(X) Scooter Adv: Rs 1280 = 60 PAY & ACCOUNTS OFFICER

Interest: Rs. 1035 = 35

re. Altered

Rs: 2315 = 95

Recounting
Advocate

वेतन एवं लेखाधिकारी
कार्यालय नं. ३३३ (१४१) प्रवेश
द्व. द्व. १५१५५५५

In the Central Administrative Tribunal, Lucknow Bench, Lucknow -17-
R.S. Somnath Applicant

From

CA & Others

VS.

Respondents.

AS/S

R.S. Srivastava,
Officer On Special Duty, Audit,
Avas Vikas Parishad,
104, Mahatma Gandhi Marg,
Lucknow.

Annexure A-5

To

The Pay and Accounts Officer,
Office of the Accountant
General (Accounts) I,
Allahabad.

Subject: Payment of with held amount of DCRG to Shri Ram Sewak
Srivastava retired Audit Officer.

Sir,

I am to invite a reference to your letter No: PAO/Pension/
C-923/86-87/783 Dated 19.1.87 addressed to Audit Officer, AG
Audit I (PCI Section) and copy endorsed to me and to State that
following amounts have still been withheld as per your letter
cited above.

Scooter Advance 1280=60

Interest 1035=35

Rs. 2315=95

I am to submit as under:-

That the L.P.C. sent by Indian Institute of Sugarcane
Research Lucknow vide letter No. F 3-35/72/A & A dated 20.6.77
indicated that 54 Instalments were recovered at Institute & only
6 Instalments only were to be recovered by AG, Allahabad. My
pay for 6/77 and onwards was drawn by A.G. Allahabad and all
recoveries were effected from pay bill drawn by A.G. Allahabad.

I am unable to follow that how the above amounts have been
shown as outstanding against me. Scooter Advance amount cannot
be for Rs. 1280=60. It should be in round figures if at all
divisible by instalment of Rs. 50=00.

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T.C. Allahabad
R. Somnath
Advocate

~~2~~

The records of your office may kindly be rechecked with a view to ascertain that the amounts shown against me do not pertain to some other R.S. Srivastava because I have repaid the entire amount of advance & interest & nothing is outstanding against me.

I shall therefore request you kindly to authorise the payment of withheld amount of Rs. 2315=95 alongwith amount of Rs. 1000=00 also.

Yours faithfully,

(R.S. Srivastava)
Retd. Audit Officer
AG Audit I Allahabad
P Bill No. old 01/252
New 01/101

Copy forwarded to Audit Officer A.G. Audit I FCI section Allahabad with the request that an amount of Rs. 3315=95 which has been withheld for no fault of mine, may kindly be arranged to be paid to me urgently in consideration with P.A.O A.G.I Accounts Allahabad.

R.S. Srivastava
O.S.D. Audit.

TC
Attended
Resolving
Advocate

In the Central Administrative Tribunal, Lucknow Bench, Lucknow
From R. S. Srivastava, RS Somnath --- Applicant - 19.
4/553 H.I.G. VS
Soni Sadan, CHD Dhoos --- Respondents
Vikas Nagar, Kursi Road, Lucknow Annexure A6 (AS 2)

To

The Comptroller And Auditor
General of India,
New Delhi.

Subj. Withheld amount of Rs. 2315.95 of
scooter advance + Interest from my Gratuity
amount.

Sir,
I am compelled to bring to your kind notice
that the above said amount which was withheld
from Gratuity when I retired from service of
A.G. Audit I Allahabad on 31.10.86 A.N. as Audit
Officer, has not been paid to me and delay
tactics are being adopted by A.G. UP, I
Audit Allahabad and P.A.O., A.G. (A&E) I
Allahabad, which is resulting into frustration
to me.

The facts of the case are detailed
below:-

- 1) That I entered service on 27.4.51 and retired
after pulling in more than 35 years of unblemished
service, as Audit Officer on 31.10.86.
- 2) That while in service I was disbursed a
sum of Rs. 3000.00 as scooter Advance in the year 1972.
- 3) That after that I was placed on deputation
as Accounts Officer in the Office of the
Indian Institute of Sugarcane Research
Lucknow. 60 Installments @ 50/- were to be
deducted from my pay and interest thereafter
@ 5 1/2% (the rate of interest for the year
1972 when advance was sanctioned).

TC -
Allahabad
Respondent
Advocate

10) The Audit Officer (cash) A.G. UP Audit I Allahabad is throwing responsibility for verification to P.A.O, A.G. UP A.E. I Allahabad.

11) The P.A.O is asking me to write to Audit Officer (cash) A.G. Audit I Allahabad for verification as they did not possess records prior to 2/77.

12) That while in service I had written a letter to the Accounts Officer (cash) A.G. UP I Allahabad that excess recovery was made vide my letter NO: CP IV/LKO/Zone/255 dated $\frac{14}{16}$ - 11-78. A reminder was also sent on 16.1.79 vide letter NO: CP XLIII/47 to the Accounts Officer (cash) A.G. UP I Allahabad.

To: /
Allahabad
Residing
Advocate

3. I have been keeping patience for the last more than two years but since my claim has not been settled.

13) I have served the department for more than 35 years and feel reluctant to take the course of law court for this claim.

14) That though more than required amount was deducted from my pay, was it not illegal, and arbitrary to withhold the amount stated above.

15) That in my opinion there seems no need of verification at any end. The L.P.C. or Institute is enough proof that 54 instalments have been deducted there & balance + interest in A.G. UP I Allahabad with four credits @ 50=00 more. L.P.C. could have

been taken as ^{Proved} collateral evidence & payment made but

this was not done & I am feeling frustrated for the last more than two years.

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I shall feel obliged that if you
kindly take urgent steps and direct
AG, Audit I Allahabad to make payment
urgently of the said amount + with interest
as I need money for my treatment
being bed-ridden.

Yours faithfully
Ran Dewak Srivastava
Retd Audit Officer
AG UP Audit I Allahabad

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Address

4/553 HIG
Sai Sadan, Vikasnagar.
Kursi Road,
Lucknow

TC Alkesh
Rastogi
Advocate

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No.195 of 1989 (L)

R.S. Srivastava

.. Applicant

-vs-

Union of India and others

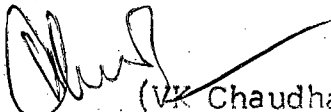
.. Respondents

APPLICATION FOR CONDONATION OF DELAY IN FILING
COUNTER/WRITTEN STATEMENT ON BEHALF OF RESPONDENTS.

...

That the Respondents beg to submit as under:-

1. That in the above noted case the Written statement could not be filed in time due to inadvertence. The same is now ready and is being filed herewith along with this application.
2. That the delay in filing this written statement was not intentional.
3. Wherefore it is most respectfully prayed that the delay in filing the written statement may kindly be condoned and ~~any~~ written statement be taken on record and such other order as are deemed just and proper be also passed.


(VK Chaudhari)
Addl Standing Counsel for Central Govt
(Counsel for Respondents.)

Lucknow,

Dated: 15 March 1990.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW
O.A. NO. 195 of 1989 (L)

R.S. Srivastava Applicant
- Vs-
Union of India and others ... Respondents

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS.

The Respondents beg to submit as under :-

1. That the answering Respondents have read and understood the contents of the application and its enclosures
2. That before giving parawise comments on the application it is necessary to give brief history of the case as detailed below :

(a) That the applicant, Ex. Audit Officer was appointed as an Upper Division Clerk in the erstwhile office of the Accountant General, Uttar Pradesh, Allahabad on 27.4.1951. He was promoted as Accounts Officer on 4.7.1978 and then redesignated as Audit Officer with effect from 1.3.1984 as a result of restructuring in the Indian Audit and Accounts Department, when the applicant was allocated to Audit Office. He retired from Government service on 31.10.1986.

(b) That the applicant was on deputation with Indian Institute of Sugar Cane Research Lucknow from 18.11.1972 to 31.8.1977.

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(c) That the applicant had, before going on deputation to Indian Institute of Sugar Cane Research Lucknow drawn scooter advance of Rs.3,000/- from erstwhile office of the A.G. U.P. Allahabad in the year 1972, receivable in 60 instalments @ Rs.50/- per month and interest thereafter @ 5½%. The recoveries of the scooter advance were to be watched by the Central Audit Section of the said office and by the Pay and Accounts Officer, at present under the control of A.G.(Accounts & Entitlement)-I, U.P. Allahabad, after departmentalisation of Accounts with effect from 1.10.76.

(d) That recoveries of the scooter advance were made from the pay of the applicant by the IISR which in turn remitted the amount through bank drafts to the A.G.U.P. for depositing the same in Government account.

(e) That the records pertaining to scooter advance of the petitioner in the erstwhile office of the A.G. U.P. got somehow misplaced at the time of bifurcation of that office in two separate offices of Audit and Accounts with effect from 1.3.1984. As such exact amount of advance drawn by the applicant and amount recovered could not be ascertained till a photocopy of the last pay certificate(LPC) of the applicant issued in June 1977 by I.I.S.R. where the applicant had been on deputation from 18.11.1972 to 31.3.1977 could be received by the office of the deponent in April 1988. At the time of his retirement in October 1986,

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broadsheet of the scooter advance was showing in an outstanding balance of Rs.2315/- against the applicant and therefore this amount was withheld, from the D.C.R.G. of the applicant. The withheld amount was subsequently released in October 1988 and May 1989 after receipt of a photocopy of LPC issued by the I.I.S.R. in 1977 (received in April 1988) wherefrom exact amount of advance taken by the applicant and recoveries made, could be known.

However, the case of the applicant was reviewed in the light of the reliefs claimed in his application before this Hon'ble Tribunal and he has accordingly been paid interest worth Rs.645 on 9.1.1990 as are relevant rules noted infra.

4. That in reply to the contents of para 1 of the application it is submitted that copy of the applicant's letter dated 31.1.1989 addressed to the Respondent no.1 was received in the office of the deponent in March 1989. Latest position of the applicant's case regarding release of withheld gratuity was communicated to the Respondent No.1 in April 1989. The applicant was also informed about the release of the balance amount of withheld gratuity i.e. Rs.2016/- in May 1989.

5. That the contents of para 2 & 3 of the ~~application~~ application need no comments.

6. That the contents of para 4.1 of the application

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need no reply.

7. That in reply to the contents of para 4.2 of the application it is submitted that the scooter advance was drawn by the applicant in the year 1972 in the erstwhile composite office of the A.G.U.P., records of which are not readily forthcoming. However, on the basis of the photocopy of the last pay certificate (LPC) received from the applicant in April 1988 (originally issued by the Indian Institute of Sugarcane Research Lucknow (I.I.S.R.) in 1977 to erstwhile composite office of A.G. U.P., Allahabad) drawal of Rs.3,000/- as Scooter advance by the applicant has been accepted.

7. That the contents of para 4.3. of the application are not disputed.

8. That in reply to the contents of para 4.4. to 4.5 of the application it is submitted that in the absence of relevant records of erstwhile office of the A.G.U.P. contents of these paragraphs are admitted on the basis of the photocopy of the LPC received in April 1988. The LPC was originally issued by the IISR to erstwhile office of the A.G.U.P. in 1977.

9. That the contents of para 4.6 of the Application needs no comments.

10. That in reply to the contents of para 4.7 of the application it is submitted that the facts regarding recovery of 54 instalments @ Rs.50/- could be

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known only on receipt of the photostat copy of L.P.C. sent by the applicant in April, 1988.

11. That in reply to the contents of para 4.8 of the application it is submitted that it is correct that an amount of Rs.919.40 towards principal amount of advance and interest thereon was deducted from the pay bills of the applicant during May 1977 to November 1978. However, the fact regarding excess recovery of Rs.200/- came to notice only when photocopy of LPC was received in April 1988 when it could be known that 54 instalments had already been recovered.

12. That in reply to the contents of para 4.9 of the application it is submitted that the applicant's letter dated 18.11.78 and 16.1.1979 might have been received in the erstwhile composite office of the A.G. U.P., records of which are not forthcoming.

13. That the contents of para 4.10 to 4.12 of the application needs no comments.

14. That in reply to the contents of para 4.13 of the application it is submitted that the amount was withheld as the broadsheet of scooter advance was exhibiting an outstanding balance against the applicant.

15. That in reply to the contents of para 4.14 of the application it is submitted that the letter filed by the applicant as Annexure-5 to his application is not dated. It was not received in the office of the

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deponent. Since the letter was not dated it could also not be traced from inward letter diaries.

16. That in reply to the contents of para 4.15 of the application it is submitted that when after receipt of the photocopy of LPC in April 1988, it could be known that the advance drawn by the applicant was Rs.3,000/- and not Rs.3,500/- (which is normally sanctioned for scooter advance), the excess amount of Rs.500/- was refunded in October 1988. The balance of Rs. 2016/- was also refunded in May 1989 when details of recoveries made by I.I.S.R. could be ascertained from the photocopy of the L.P.C. sent by the applicant in April 1988.

17. That in reply to the contents of para 4.16 of the application, the reply given against para 1 of the application is reiterated.

18. That in reply to the contents of para 4.17 of the application it is submitted that the reply to the applicant's letter dated 29.5.89 addressed to the Respondent no.1 was given by the office of the deponent on 29.8.1989.

19. That the contents of para 4.18 of the application needs no comments.

20. That in reply to the contents of para 4.19 of the application it is submitted that the service records

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of the applicant had been completed and his pension/DCRG etc. released at the time of his retirement. Only a sum of Rs.2316/- was withheld due to exhibition of an outstanding balance against him in the broadsheet of the scooter advance.

21. That in reply to the contents of para 4.20 of the application it is submitted that all terminal benefits were given to the applicant at the time of his retirement. Only Rs.2316/- were withheld from the D.C.R.G. in view of a balance outstanding against him in the broadsheet of scooter advance pending account of missing credits if any.

22. That in reply to the contents of para 4.21 to 4.2 of the application it is submitted that there was no lapse on the part of the office of the answering deponent as relevant records of the erstwhile office of A.G.U.P. were not available and the photocopy of the LPC issued by I.I.S.R. where full particulars of recoveries were available, was furnished by the applicant in April, 1988. Exact details regarding amount of advance paid and its recoveries made could only be ascertained after receipt of the photocopy of LPC. The withheld amount was released thereafter.

23. That in reply to the contents of para 4.24 of the application it is submitted that an amount of Rs.645 has already been paid to the petitioner towards interest in terms of GI decision (2) under Rule 68 of C.C.S. (Pens) Rules vide details given in para 36 of this written

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statement.

24. That in reply to the contents of para 4.25 of the application it is submitted that whatever amount of interest was payable to the petitioner as per rules, due to delayed payment of residual amount of D.C.R.G. and excess recovery of scooter advance, has already been paid to him.

25. That in reply to the contents of para 5.1 and 5.2 of the application it is submitted that the delay in payment of residual balance of D.C.R.G. of Rs.2315.95 was also due to lapse on the part of the applicant himself who did not care to square up his account in 1978 in the erstwhile office of the A.G.U.P. from where he had drawn the advance and subsequently repaid it to that office through bank drafts while on deputation with IISR, Lucknow.

26. That in reply to the contents of para 5.3 of the application it is submitted that an amount of Rs.645/- has already been paid as interest as detailed in para 36 of this written statement.

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statement.

24. That in reply to the contents of para 4.25 of the application it is submitted that whatever amount of interest was payable to the petitioner as per rules, due to delayed payment of residual amount of D.C.R.G. and excess recovery of scooter advance, has already been paid to him.

25. That in reply to the contents of para 5.1 and 5.2 of the application it is submitted that the delay in payment of residual balance of D.C.R.G. of Rs.2315.95 was also due to lapse on the part of the applicant himself who did not care to square up his account in 1978 in the erstwhile office of the A.G.U.P. from where he had drawn the advance and subsequently repaid it to that office through bank drafts while on deputation with IISR, Lucknow.

26. That in reply to the contents of para 5.3 of the application it is submitted that an amount of Rs.645/- has already been paid as interest as detailed in para 36 of this written statement.

27. That in reply to the contents of para 5.4 of the application it is submitted that as already mentioned in reply against para 4.25 the amount of interest which was due to petitioner as per rules, has already been paid to him.

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28. That in reply to the contents of para 6 of the application, the reply given against para-1 of the application is reiterated.

29. That the contents of para 7 of the application needs no comments.

30. That in reply to para 8(1) of the application it is submitted that the applicant is not entitled to any interest at the rate of 18 percent per annum due to the delayed payment of residual amount of D.C.R.G and on the amount recovered in excess of scooter advance. As per rules he was entitled for payment of interest at the rate of 7% per annum in respect of the period beyond three months and up to one year; and at 10% per annum for the period beyond one year, and he has accordingly been paid at the above rates.

31. That in reply to the contents of para 8(ii) of the application it is submitted that there being no further interest payable to the applicant due to any lapse on the part of the Respondents, the application may be dismissed.

32. That in reply to the contents of para 8(iii) of the application it is submitted that no relief is admissible to the applicant from the Hon'ble Tribunal.

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D. A. R.


33. That in reply to the contents of para 8(iv) of the application it is submitted that in view of the facts explained in the preceeding paragraphs the application merits dismissal.

34. That the contents of para 9 to 12 of the application needs no comments.

35. That the grounds taken by the applicant are not tenable in the eyes of law.

36. That the Respondent is paying the interest on the withheld amount of death cum retirement gratuity and excess recovery of Scooter advance amounting to Rs.645/- vide Bank Draft No.OT/A/132-028915 dated 4.1.90 vide letter No.P.C.IV/1407 dated 9.1.1990, a copy of the same is being enclosed as Annexure-A. to this written statement and as such the claim of the applicant for interest on death cum retirement gratuity is not maintainable before this Hon'ble Tribunal.

37. That in view of the facts, reasons and circumstances stated above, the application filed by the applicant is liable to be dismissed with costs to the Respondents.


Respondents

Sr. Deputy Accountant General (A)
Office of the Accountant General (Audit) I & II
Uttar Pradesh-Allahabad,

Dated: 9.3.90 Jan. 1990

Verification

I, the above named respondent do hereby
verify that the contents of para 1 & 2 are true
to my personal knowledge, those of paragraphs 3 to
35 are believed by me to be true on the basis of
records and information gathered and those of
paragraphs 36 to 37 are also believed by
me to be true on the basis of legal advice. No
part of this written statement is false and nothing
material has been concealed.



Respondent

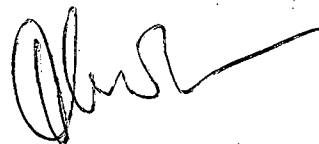
Sr. Deputy Accountant General (A)

Office of the Accountant General (Audit) I & II

Uttar Pradesh-Allahabad.

I identify the Respondent who has signed

before me and is also personally known to me.



(V.K. Chaudhari)

Addl. Standing Counsel for Central Govt.,
Counsel for the Respondents.

Lucknow,

Dated: 15th Jan. 1990

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Annexure "A" to the written statement

By Special Messenger

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)-I, U.P.
ALLAHABAD.

No.P.C.IV/1407

9.1.1990

To

Shri R.S. Srivastava,
Sai Sadar Vikasnagar,
Kursi Road,
Lucknow.

Subject: Interest on withheld amount of gratuity and
excess recovery of Scooter advance.

Sir,

I am to enclose herewith a bank draft No.OT/A/132-028915
dated 4.1.1990 for Rs.645=00 towards payment of interest on
withheld amount of gratuity and excess recovery of Scooter
advance as detailed below :-

- | | | |
|------|--|-----------|
| (i) | Interest on withheld amount of
D.C.R. Gratuity from 1.2.1987 to
7.5.1989 @ Rs.7/- per annum after
three month and upto one year and
@ Rs.10/- thereafter. | Rs.445=35 |
| (ii) | Interest on excess amount of
recovery of the instalment of
Scooter Advance from 1.3.1979
to 7.5.1989 @ as mentioned above
(No interest for the first three
months from 1.12.78 to 28.2.79) | Rs.199=20 |

Rs.644=55 or

Rs.645=00

The receipt of Bank Draft may please be acknowledged.

Yours faithfully,

(N. Sahai)
Audit Officer (Cash)

True copy
Attested
Ramesh Chandra Sharma

12/1/90

Attest
Sd/-

Sr Asst
Al. Audit
Attested

The Govt. of Central Administrative Tribunal
Lucknow Bench

[अभिभावक पत्र वकालतनामा]

बअदालत

अपील
निगरानी

Registration No 195 of 1957 (L)

प्रतिवादी

Ram Sankar Sinhasane

बनाम

Accountant General (Audit) U.P. and others

रिपान्डेंट

में

—कि—

हम

उपरोक्त प्रकरण (मुकदमा) में—अपना पक्ष समर्थन हेतु
हम

कानूनी

निश्चित

करता है

करता है

और यह स्वीकार
करते हैं

—कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जोदावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार
करते हैं

पत्र, विवाद पत्र, पुनरवलोकन एवं पुनर्निर्णय प्रार्थना-पत्र (दरखास्त), शापथिक कथन (हलफनामा),
प्रवर्तन-पत्र (दरखास्त इजराय) मुजबात अील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि एवं
लेखादि की प्रतिलिपियाँ अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यक-
तानुसार शापथिक पुष्टीकरण करें और आवश्यक सवाल जवाब करें और लेखादि की प्रतिलिपियाँ एवं
हमारे प्राप्त धन को अपने हस्ताक्षरी पावती देकर प्राप्त करें हमारी ओर से किसी को मध्यस्थ तथा साथी
(यवाह) मानें और उससे सम्बन्धित प्रार्थना पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें
वाद पत्र उठावे छोड़े अथवा समझौता करें तथा मुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना पत्र
दाखिल करके उनका समर्थन करें अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री ये भर पाई
होने के समय तक स्वतः या संयुक्त करें। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करें।

हम को

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भांति—सर्वथा स्वीकार
मुझ को

मैं कानूनी

होगी। अगर—शुल्क तथा विशेष शुल्क आखिरी बहस के वक्त उक्त सज्जन को न दूँ/दे तो उनको

हम निश्चित

अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करें। उपरोक्त दशा में उक्त सज्जन का
कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभावक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

तिथि

माह

सं०

Accepted General (Audit) U.P.
Office of the
Accountant General (Audit) U.P.
Allahabad.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
L U C K N O W.

O.A.No. 195 of 1989 (L).

R.S.Srivastava.

Applicant.

Versus

Comptroller and Auditor
General of India and others.

Respondents.

REJOINDER OF THE APPLICANT IN REPLY TO THE WRITTEN
STATEMENT FILED ON BEHALF OF THE RESPONDENTS AND RECEIVED
BY THE APPLICANT ON 15.3.1990.

fixed dt 10-8-90

The applicant, above named, most respectfully
begs to state as under:-

1. That the applicant has read and understood the contents of the written statement filed on behalf of the respondents and is well acquainted with the facts and circumstances of the case and replies given hereinafter.
2. That the contents of paragraphs 1 to 22 need no comments.
3. That in reply to para 23 it is submitted that only a sum of Rs. 645.00 by way of interest has been paid to the applicant against the claim of Rs. 1295.20 and the claim of balance of Rs.650.20 still persists.

Received today
on 11/4/90

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4. That the reply given in paragraph 3 above covers the reply of paragraph 24 of the written statement.
5. That in reply to paragraph 25 of the written statement, it is submitted that the initial responsibility rested with the A.G.U.P., Allahabad who was maintaining the entire records of the ~~xxxxxx~~ advance given and recoveries made.
6. That the contents of paragraph 26 of the written statement are admitted.
7. That the reply given in paragraph 3 above also covers the reply of paragraph 27 of the written statement.
8. That the contents of paragraphs 28 and 29 need no comments.
9. That in reply to paragraph 30 of the written statement it is stated that the claim of interest @ 18% per annum is based on the decision of the Hon'ble Tribunal of C.A.T., New Delhi in the case cited below:
K.L.Sharma Vs. Union of India and others (Regn. No.T.A. 392 of 1985 decided on January 27, 1988) (1988)ATC 49.
The rules of Government of India regarding payment of interest @ 7% per annum for 1st year and 10% thereafter have been applied in the case of applicant but the ratio of above cited case when applied in

Rs 3

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the case of applicant will make him entitled to interest @ 18% per annum.

10. That in reply to paragraphs 31 to 33 of the written statement it is submitted that claim of Rs. 1295.20 by way of interest is wholly justified on the basis of case law cited in paragraph 9 above and relief claimed by the applicant is sustainable in the eye of law.

11. That the contents of paragraph 34 of the written statement need no comments.

12. That in reply to the contents of paragraph 35 of the written statement it is stated that the grounds on which the claim of the applicant is based, are all justified and tenable.

13. That in reply to the contents of paragraph 36 of the written statement it is submitted that the Respondents have paid only a sum of Rs. 645.00 by way of interest against the claim of interest to the time of Rs. 1295.20. Since the claim is supported by legal decision cited in paragraph 9 above, the balance of Rs. 650.20 (Rs. 1295.20 minus Rs. 645.00) is still to be paid by the Respondents to the applicant.

14. That in reply to paragraph 37 it is stated that the Hon'ble Tribunal of Circuit Bench Lucknow have allowed costs of Rs. 1500.00 in case viz R.S. Agarwal versus Union of India and others (O.A. 1 of 1989)

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decided on 3.1.1990. The Hon'ble Supreme Court have also allowed costs of Rs. 2000.00 in the case of Harendra Nath versus State of Behar and others S.L.R. 1988(1) Page 3. Thus the application is liable to succeed with cost to applicant in view of the legal decisions quoted above.

LUCKNOW: DATED:
March 23, 1990.

R. S. Srivastava
R.S. SRIVASTAVA
Applicant.

VERIFICATION

I, R.S. Srivastava, son of late Sri Lachchu Ram aged about 62 years, resident of 4/552, H.I.G. Sai Sadan, Vikas Nagar, Kursi Road, Lucknow do hereby verify that the contents of paragraphs 1 to 14 are true to my personal knowledge and that I have not suppressed any material fact.

LUCKNOW: DATED:
March 23, 1990.

R. S. Srivastava
SIGNATURE OF THE APPLICANT.