29/6/90

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

****

Registration No. 212 of 1990 (L)

APPLICANT(S) S. N. Sinha

RESPONDENT(S) U. O. I.

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 ?	Yes
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time?	
c) Has sufficient case for not making the application in time, been filed?	
4. Has the document of authorisation/ Vakalatnama been filed ?	Yes
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

ANNEXURE -A

CAT

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

INDEX SHEET

CAUSE TITLE [illegible] of 19

NAME OF THE PARTIES

[illegible] Applicant

Versus

Union of India & Respondent

Part A,B & C

Sl.No.	Description of documents	PAGE
[illegible]	[illegible]	2
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	3
[illegible]	[illegible] copy	25
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	2
[illegible]	[illegible]	1
[illegible]	[illegible]	38
[illegible]	[illegible] copy with [illegible]	2
[illegible]	[illegible] copy	26
[illegible]	[illegible]	27 to 61
[illegible]	[illegible] with [illegible]	
[illegible]	[illegible]	
[illegible]	[illegible]	9
[illegible]	[illegible]	

[illegible]

...ers to be Examined	Endorsement as to result of examination
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 ?	
b) Defective ?	
c) Wanting in Annexures No. ______ 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 ?	NA
17. Are the facts of the case mentioned in item no. 6 of the application ?	Yes
a) Concise ?	
b) Under distinct heads ?	
c) Numbered consecutively ?	
d) Typed in double space on one side of the paper ?	
Have the particulars for interim order prayed for indicated with reasons ?	Yes
19. Whether all the remedies have been exhausted.	Yes

...icer/

O.A. No.212 of 1990 (L)

23-7-1990 Hon'ble Mr. Justice K. Nath, V.C.
Hon'ble Mr. K. Obayya, A.M.

Admit.

Issue notice.

Counter may be filed within 3 weeks, rejoinder within one week thereafter. In the matter of interim relief issue notice and list for orders on 27.8.90.

Sd/- Sd/-
A.M. V.C.

rrm/

OR
notice issued on 30/7/90
Respondent No. 1
on आज़ाद नगर मे
[illegible]

OR
notice issued to R. 2 and 3 and Reg. notice to Respdt 1 or 4 to B.K. Chaudhari
9.8.90

OR
Sri V K Chaudhary issued notices on behalf of OP No. 1 neither reply nor any power filed on behalf of Sri V. K. Chaudhary
Notices were issued to OP 2 & 3
Neither reply nor any unserved notice have been return back
Submitted for order
22/8/90

27-8-90 Division Bench is not available
Adj to 30/8/90

OR
Dr D. Chandra files MP No 515/90 (L) to appearance to oppose I R 4 also his power

SR

4c-for the applicant has filed MP No 654/90 (L) on 8.11.90
Submitted for orders

8/11/90

Recd Copy
to-day i.e 15-XI.90.
R.N. Tewari
Adv.
For applicant.

16/11/90

Central Administrative Tribunal, Circuit Bench,

Lucknow.

Registration (O.A. No. 212 of 1990 (L)

Swaroop Narain Sinha ... Petitioner

Vs.

Union of India & others ... Respondents

Hon'ble Mr. D.K. Agrawal, JM

Hon'ble Mr. K. Obayya, AM

JUDGMENT

(Delivered by Hon'ble DK Agrawal, JM)

This application under Section 19 of the Administrative Tribunals Act, 1985, involves a very short question as to the recovery of Rs. 1755/- + interest thereon from the applicant, who is a retired employee of the Postal Department. The allegation in para 2 of the counter affidavit filed on behalf of the opposite party no. 3 is to the effect that the applicant made withdrawl of Rs. 1440/- and Rs. 315/- in July 1975 and February 1976 respectively which was not accounted for in his GPF accounts. The mistake was discovered later on. Therefore, recovery was issued against the applicant. The amount was not paid with the result that the interest also accrued thereon. Now the claim of the department is for a sum of Rs. 4,132/- as on 1-5-1990. The applicant in para 16 of his main petition has expressed his willingness to pay the principal sum of Rs. 1755/- (Rs. 1440 + Rs. 315/-). Thus, the only controversy is regarding the interest which has accrued on the said sum of Rs. 1755/-. We are of the opinion that since the applicant has alrea

DK Agrawal

retired, it may entail hardship, if he is made to pay interest as well. Even assuming that the applicant declined to pay Rs. 1755/- at the relevant time, still we do not consider it equitable to hold him responsible for the payment of interest. Consequently we hereby order that the applicant shall pay Rs. 1755/- within a period of 30 days from the date of this judgment failing which the opposite parties shall recover this amount from his retiral dues.

Parties will bear their own costs.

(A.M.) (J.M.)

Dated : Lucknow

August 30, 1990.

ES/

M.P. 654/90
M.P. 515/90
in
O.A. 212/90

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

9.11.90

Hon. Mr. M.Y. Priolkar, A.M.
Hon. Mr. D.K. Agrawal, J.M.

Mr. R.V. Tewari for applicants.
Mr. Dinesh Chandra for respondents.

These two applications have been preferred after the judgment in O.A. No. 212/90 Swarup Narain Sinha vs. Union of India dated August 31, 1990 purported to have been made under rule 24 of the Central Administrative Tribunal (Procedure Rules,) 1987. We have given our careful consideration. We are of the opinion that rule 24 does not empower the Tribunal to issue any clarificatory order after final judgment. The provisions of rule 24 (supra) are applicable to the proceedings pending before the Tribunal. In view of this the M.P.S are liable to be dismissed. However, before we part, we want to make it clear that in terms of our order passed in O.A. 212/90 the applicant shall not be charged interest on the principal amount of Rs 1755. Therefore we have no doubt in our mind that the competent authority will pass suitable orders for payment of the dues of the applicant, if any in terms of our judgment in the case afore mentioned wherein we have clearly held that the applicant is only liable to pay the principal amount of Rs 1755/- and that no interest is payable by the applicant thereon. It, thus, leads to irresistable inference that the applicant is to be paid by the competent authoritie dues if any outstanding in his GPF account on the date of his retirement. The two MPs are accordingly disposed of.

D K Agrawal
J.M.

A.M.

23/6/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. No. 212 of 1990 (L)

IN RE

Swaroop Narain Sinha (S.N. Sinha) .... APPLICANT

Vs.

Union of India & others .... OPP. PARTIES

F O R M II

R E C E I P T S L I P

Receipt of the application filed in the Central Administrative Tribunal, Circuit Bench, Lucknow by Sri Swaroop Narain Sinha (S.N. Sinha) working as Dy. Post Master, Lucknow G.P.O. (now retd) resident of 172-G.B. Marg. Lucknow is hereby ackhowledged.

Filed today
29/6/90

Lucknow :

Dated :

For 23/7/90

For Registrar
Central Administrative Tribunal,
Circuit Bench, Lucknow.

S. N. Sinha

R V Tewari

24/6/92 A-1/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. NO. 217 OF 1990

S.N. Sinha .... Vs...... Union of India & others

APPLICATION UNDER S- 19 OF C.A.T. ACT - 1985

F O R M I

I N D E X

(Compilation No. I)

1	2	3	4
Sl. No.	Description of documents relied upon	Annexure No.	Page No.
1.	APPLICATION	--	01 - 21
2.	AFFIDAVIT	--	22 - 24
3.	REGISTERED ADDRESS	--	25 - 26
4.	IMPUGNED ORDERS :		
(a)	No. A/A/c/ GPF/M.B./ S.N. Sinha. D- 34468/128/89-90 dated : 6.3.1990.	A- 11	27 -
(b)	GPF-Cell/S.N. Sinha M.B. 47/206 dated : 30.5.1990.	A- 13	28 -
5.	VAKALAT NAMA	--	29 -
6.	Shiva ji Marg. P.O. Lucknow. I.P.O. No. 02 417739 dated 28.5.1990 for Rs. 50/-	--	--

S.N Sinha

(C O M P I L A T I O N N O. 2)

7.	No. GPF-II/P-V/M.B./ S.N. Sinha/742 dated : 3.1.1989.	A - 1	30 - 31

.... 2/

Sl. No.	Description of documents relied upon	Annexure No.	Page No.
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8.	Annual Statement of GPF Account for the year 1987-88	A - 2	32 -
9.	No. GPF-II/P-V/S.N. Sinha M B/848 dt : 9.2.1989	A - 3	33 -
10.	APPLICATION Dt: 27.2.89	A - 4	34 - 35
11.	APPLICATION for Advance dated 5.2.1976 and Sanction Memo No. E-170/GPF/Advance/ S.N. Sinha/ dt. 10.7.76	A - 5	36 - 37
12.	APPLICATION FOR ADVAN--CE dated 20.10.76 and Sanction Memo No. E/ 170/GPF Adv/S.N.Sinha/18)	A - 6	38 - 39
13.	Letter No. GPF/MB/47/ T.R./571 dated 26.5.89	A - 7	40 - 44
14.	Concordance of Accounts	A - 8	45 - 46
15.	Letter No. GPF-Cell/ Misc/MB-47/TR 971 dt : 20.11.89 and app. dated 10.10.89	A - 9	47 - 51
16.	Letter No. GPF-Cell/ MB-47/2009 dt : 21.2.1990.	A - 10	52 -
17.	Notice dated 22.3.90 U/s 80 C.P.C.	A- 12	53 - 54
18.	Application dated 22.1.1989	A - 14	55 -

S N Sinha

contd.. 3

Sl. No.	Description of documents relied upon	Annexure No.	Page No.
19.	Application dated 15.6.1989	A - 15	56 - 61
20.	Application dated 6.1.1990.	A - 16	62 - 67

Lucknow :

Dated :-

S. N. Sinha
Applicant

For use in Tribunal's Office

Date of filing ____________

or

Date of receipt by post ____________

Registration No. ____________

Signature for Registrar

28/6/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. No. 212 of 1990 (L)

Swaroop Narain Sinha (S.N. Sinha), aged about 60 years, son of Late Laxmi Narain Sinha, resident of 172-Gautam Budh Marg, Lucknow.

...... APPLICANT

Versus

1. Union of India, through Secretary, Ministry of Communication (Deptt of Posts), New Delhi.

2. Director of Accounts (Postal), U.P. Circle, Aminabad, Lucknow.

3. A.O. (GPF-Cell), 542-C, Rai Behari Lal Road, New Hyderabad, Lucknow, C/O The D.A. (P), U.P. Circle, Aminabad, Lucknow - 226007.

4. The Chief Post Master, Lucknow G.P.O. .

.... OPPOSITE PARTIES

APPLICATION UNDER SECTION 19 OF C.A.T. ACT- 1985

IN THE MATTER OF :

[illegible] INCORRECTLY CALCULATED [illegible]

[illegible] Rs. 4,132/- [illegible]

[illegible]

[illegible]

S.N. Sinha

2.

[illegible] I [illegible]TY [illegible] -3 (1) [illegible] 1985.

Also in the matter of :

[illegible] Rs. 2,7[illegible]/- [illegible] C.P.F. A/c No. [illegible]D -34468 [illegible] RETIRE-MENT [illegible] 31.7.1988.

Further in the matter of :

[illegible] RELIEF BY ISSUANCE OF DIRECTION[illegible] [illegible] PROPER [illegible] OPPOSITE PARTIES TO REL[illegible] CAUSING [illegible] HON'BLE [illegible] APPLICATION.

[illegible]

(1) Particulars of [illegible] against which the applicat[illegible] :

(i) No. : [illegible]/Sirus [illegible], S.N. Sinha.

(ii) Date : 6.3.1990.

(iii) Authority : Chief Post Master, G.P.O., Lucknow.

(2) (i) [illegible] : C.P.F. [illegible] [illegible]-87/[illegible]

S.N. Sinha.

[illegible]

(ii) Date : 30.5.1990.

(iii) [illegible] : Asstt. Accounts Officer, (Lw Cell) C/O The D.A. (P) U.P. Circle, Lucknow.

2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of [illegible] against which he wants redressal is within the Jurisdiction of the Tribunal.

[illegible] ON

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

4. FACTS OF [illegible]

1. [illegible] as Dy. Postmaster, Lucknow G.P.O., the applicant retired on 31.7.1988 on superannuation.

2. The applicant was/is the holder of [illegible] (hereinafter referred to as " [illegible] " [illegible] 34468 since the year 1947-48 managed and controlled by the Rules and Acts made and enacted by GENERAL PROVIDENT FUND (CENTRAL [illegible]), Rules 1960, as amended from [illegible] (hereinafter referred to as " [illegible] ")

[illegible]

S. N. Sinha

-ed to as " ... ").

3. The rates of subscription from time to time were varying between 6% to 8-1/3% of the total emoluments of pay and allowances of the applicant during these periods subject to the total emoluments as prescribed by the Rule- 2 of the said Rules - 1962 to be read with the compulsory exemption as per Govt. of India's decision contained in the D.G. Posts No. 29-2/87-P&A dated 25.3.1987.

4- The ..., i.e. Opp. Party No. 3 is obliged to supply ANNUAL STATEMENT OF THE ACCOUNT OF THE APPLICANT after 31st March each year with State- -ment of an enquiry as per RULES 39 of the said procedural Rules for satisfaction of the correctness of the statement and also to bring errors , if any, to the notice of the ... concerned within the stipulated period of three months.

5. The aforesaid ... concerned is further required to inform the applicant once in a year, the total amount standing to his credit in his GPF Fund at the end of the month of which his account has been written up as per above RULES i.e. Rules 39-(3) for his information and also with a view to rectify the discrepancies, if any, pointed out.

S. N. Sinha

Contd.... 5.

6. On 2.8.1988, after retirement on Superannu-ation w.e.f. 31.7.1988, the applicant applied through the Post Master, Lucknow G.P.O. for payment of the amount become payable by way of final with-drawl of accumulations in the G.P.F. A/c No. 34468 including the amount of deposits w.e.f. 1.4.1988 to 30.6.1988 recovered and credited to his Fund at the rate of Rs. 1,000/- per month together with interest admissible.

7. The A.O. concerned in Inconsistent with the statutory provisions and immunity provided under S-3 (1) of the Provident Funds Act 1925, inspite of issuing Authority for the payment of the accumulations (contributions made subsequent to the amount at credit of the Fund upto 31.3.1988+ Refund of instalments against advances and final withdrawl) intact and without any compulsion kept the release of the authority withheld and issued his office D.O. letter no. GPF-11/2-V/Minus Balances/ S.N. Sinha/742 dated 3.1.1989 demanding deposit Rs. 3,401/= calculated as the amount of excess drawal. Photo copy of the said D.O. letter is annexed with this application as ANNEXURE No. A-I.

S.N. Sinha

contd... 6.

8. Admittedly, the act of Opposite Parties [illegible] against legal obligation and also without any investigation [illegible] transactions objectively, the applicant requested [illegible] ([illegible] F. - Cell) to scrutinise the whole account because the amount given i.e. Rs. 3,401/- is not the true and full as per annual statement of [illegible] account for the year 1987-88, which is exhibiting minus balance by Rs. 241/= only. The balance sheet is ANNEXURE A-2 to this application.

9. That thereupon the Opp. Party released his office letter [illegible] G.P.F. -11/P.V./S.N. Sinha/Minus Balance/848 dated 9.2.1989, intimating that the entries in respect of the following transactions relating to part-final withdrawl & temporary advance [illegible] the year 1974-75 were found missing and have been [illegible] the ledger only at the time of calculation of the accumulations for final pay [illegible] application of [illegible] dated 2.8.1988 :-

(a) Rs. 1,340/- [illegible] 11.7.1975 Part-final withdrawl [illegible] vide PI-Lucknow G.P.O. No. [illegible] G.P.F./Final [illegible] 1/S. [illegible] dated [illegible] 11.7.1975.

(b) [illegible] 315/= dt. [illegible].2.1976 Temporary advance [illegible] and [illegible] B [illegible]

S. N. Sinha

The aforesaid ... dated 9.2.1990 is [illegible] - 2 [illegible].

10. The applicant [illegible] vide his application dated 27.2.1989, balance of Rs. [illegible]/- at the credit of his GPF account after sanction of [illegible] temporary advance of Rs. 525/- on 20.10.1976 adjusting Rs. 1,440/= and refund of Rs. 115/= [illegible] remaining balance of sanction Memo issued by the [illegible] Lucknow G.P.O. and copies endorsed to the A.G. (G.P.F.-Cell) for information and posting of these transactions [illegible] ledger. Copies of application dated 27.2.1989 and sanction Memos dated 10.2.1976 and 20.10.1976 are annexed to this application as [illegible] A-5 and A-6.

11. The A.G. (G.P.F.-Cell), instead of ellucidating [illegible] the applicant in ignorance [illegible] act account due to him and also as to how the credit and debit entries in respect of of the transactions at [illegible] Annexure no. A-5, A-6 had been appropriated towards discharge of the earlier items on the debit side, supplied the applicant with a newly drawn-up sheet which is [illegible] A-7.

12. The applicant informed the opposite parties [illegible]

S N. Sinha

[illegible].... 8/-

Nos. 3 and 4 that ... of a set of written account ... and ... rendering of ... account and ... concordance of accounts ... with ... 1977-78 to that of ... because no such statements ... by the applicant prior to the year 1977-78. The said concordance of accounts ... ANNEXURE A-8.

13. The ... (... Cell) then came forward to acknowledge that the temporary advances of Rs. 315/- and Rs. 525/- stood paid up together with interest admissible except the debit entries for Rs. 1,440/- and 315/- written up now only at the time of calculation of the accumulations admissible and become payable on the retirement of the applicant on ... 31.7.19... reducing the Balance at the credit of ... Account No. 34468 to ... by Rs. 3,401/- including interest right from the year 1975-76 to 1988-89.

14. Treating the account false and ... the ... to extract Rs. 3,401/- without any justification, the applicant ...

S. N. Sinha.

payment of Rs. 2,753/= (Rupees Two thousand seven hundred and fifty three) i.e. (Rs. 3,000/= - 263 + 6) together with interest without further delay vide application dated 10.10.1989 at ANNEXURE A-9.

16. The reply received by the applicant from the aforesaid A.O. (CPF- Cell is ANNEXURE A- 10 , which simply obviates the immunity envisaged under the specific provisions of S- 3 of the Provident Fund Act- 1925 and Clause (ii) of Sub-Rule (3) of Rule 34 of the said RULES 1960 and also instructions contained in G.I. , DP and AR om no. F-16 (2) -Pension Unit/82 dated 21.12.1982. However, the applicant expressed his willingness to repay the total amount of Rs. 1,755/= (1,440 + 315) excluding any interest in cash subject to the release of the require Authority for the payment of Rs. 2,753/= together with interest without any charge because no obligation could be presumed on a hypothetical Account and exclusion of payment of any interest becomes per--missible under equitable contemplation of legal consequences flowing from substantial error justifying to treat the account as imperfect.

This was not considered by the Opp. Party no. 3 and 4 and orders to recover the

S.N. Sinha.

contd .... 10.

amount of Rs. 3,809/= as over drawn money from the emoluments of pension were released on 6.3.1990 vide letter No. E/Account/GPF/Minus balance/S.N. Sinha Account no. D- 34468/128/ 89-90 dated 6.3.1990.

The impugned order dated 6.3.1990 appen-dixed to the application as ANNEXURE A- 11, is being challenged by filing this application.

16. The impugned order appendixed at Annexure A-11, was found effected with rheuma-tism to give way to the new problems reared its head eliminating the cause which tends to protect enquiry expedient to rectify the issue of erroneous accounting procedure adopted by the A.O. (GPF -Cell) while maintaining the Fund of the applicant. Accordingly the applicant, through his Counsel, issued notice Under Section-80 C.P.C. on 22.3.1990 which was served upon the Opp. Parties on 26.3.1990 as per acknowledgements received. The said notice dated 22.3.1990 with acknowledgements is as ANNEXURE A- 12 .

17. That the applicant through the above notice had clarified the position that the emoluments including D.A. and A.D.A. admissible to the pensioners form part of the total emoluments

S.N. Sinha

contd... 11

A-7/15

of the pension out of which no recovery could be met without consent of the Pensioner and accord of the President of the Union of India and any other interpretation of the statue with any changed definition of the emoluments to dis--tinguish D.A. or A.D.A. as relief chargeable by Govt. dues is simply to nullify the act -3 (1) of PROVIDENT FUND ACT- 1925, and also is hit by the article 14 and 16 of the Constitution of India to read with Article 21 of the Constitu--tion to be declared <u>ULTRA VIRES</u>.

18. Further, the applicant vide Annexure A-12 demanded payment of Rs. 2,769/= + interest @ 12% till the stipulated period of 60 days of the notice and pendentelite and future interest @ 6% till the date of actual payment.

19. That in addition to the above, the appli-cant through the notice at Annexure A-12 also claimed damages @ Rs. 50/= per day for un-autho--rised holding of accumulations payable to the applicant prior to or at the least by 1.8.1988 and Rs. 75/= towards the cost of the notice dated 22.3.1990.

S.N. Sinha.

20. The reply dated 30.5.1990, received by the Counsel of the applicant, as mailed by the Opp. Party no. 3 under his office No. GPF-Cell/S.N. Sinha/AB-47/206 dated 30.5.1990, which is ANNEXURE A-13 reiterated the demand of the Opposite Parties for the payment of Rs. 4,132/= against the over-drawn GPF money, threats to file a suit of Civil nature and their claim of the accounts being correct.

21. Not with ~~the~~ understanding otherwise the contents of the reply as per Annexure A-13 issued forth another cause of action to the applicant as it tends to repudiates the settlement of the account without declaring the facts narrated above as well as the claim of the applicant void--able.

Thus, threats, intensions to repeat the breach by the Trusties and subsequent sus--pension of the payment of the pension to the applicant w.e.f. March 1990 gave birth to the imminent danger to the discharge of obligations due to the applicant to provide bread and butter to his dependents as he had been deprived of his means of livelihood to the point of abroga--tion by retirement on 31.7.1988 and thereafter

S. N. Sinha.

contd... 13/

by keeping the pension withheld therwise levied with the charge of recovery and as such he is constrained to challenge the impugned order dated 6.3.1990 in absence of any alternative speedy and equally efficacious remedy to the matter in dispute except by filing this application before this Hon'ble Tribunal for ad-judication and grant of equitable relief deemed proper and just in the circumstances of the case.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

(i) BECAUSE the rendition of accounts (Time is fixed) was not true and full and the applicant was kept in ignorance as to the exact account due to **him** against mandatory provisions of GENERAL PROVIDENT FUND (Central Services) RULES 1960, and also enactments envisaged under the acts of PROVIDENT FUND ACT - 1925 and as such claim of refund of Rs. 4,132/- is bad in the eyes of Law.

(ii) BECAUSE the charge of recovery levied upon the accumulations and deposits payable before or on the date of retirement on superannuation is in violation of the protection granted by the Act 3 (1) of PROVIDENT FUNDS ACT - 1925.

S. N. Sinha.

contd... 14.

(iii) BECAUSE the Opposite Parties , being Trustees are not absolved from their liabilities to render correct account.

CASE LAW : State of Rajasthan
Vs.
Rao Manohar Singh.

REPORTED IN : A - 1961 Raj. 143

(iv) BECAUSE the Opposite Parties have failed and denied discharge the obligation of procedural Rules by repudiating settlement of the account to adjust the erroneous over-drawn payments and also by not extending opportunity to impeach and falsify either whole or partly the account on the ground of mistakes, in accura--cies and ommissions before issue of the impugn--ed order of recovery dated 6.3. 1990.

CASE LAW : Radhika Prasad
Vs.
Nand Kumar

REPORTED IN : - 1944 NAG - 7

(v) BECAUSE after the date of retirement on superannuation, issue of no demand certificate as well as the period fixed in the notice issued under S. 80 C.P.C. the holdings of accumulations

S. N. Sinha.

and deposits payable to the applicant-Subscriber become wrongful custody.

(vi) BECAUSE the amended definition of the emoluments of pension to oust the D.A. and A.D.A., if any, admissible to the pensioners as RELIEF liable to any charge is ULTRA VIRES as hit by Article 14, 16 and 21 of the Constitution of India.

(vii) BECAUSE levying a charge of recovery and withholding payment of pension without consent of pensioners and accord of Hon'ble President of Indian Union is bad in the eyes of Law.

(viii) BECAUSE threats to lanch Civil suit barred by limitation , is an act causing imminent injury of Civil Tort without any legal authority.

CASE LAW	:	Gobardhan Dass Vs. Gokul Khatosa
REPORTED IN	:	96 I.C. 76 :A 1926 Sindh - 264

(ix) BECAUSE Opp. Parties are liable to indemnify the applicant -subscriber for the imminent danger and substaitial loss accrued to the Subscriber by their acts of non perfor-

S.N. Sinha.

124/20

mances of obligations.

CASE LAW : Sobhag Mal
Vs.
Mukund Chand.
REPORTED IN : A- 1926 P.C. 119

(x) BECAUSE the charge of the recovery of Government dues (excess payment of G.P.F. Money) is bad in the eyes of law for the non-adherence to the principle of DOCTRINE OF CONSTRUCTIVE NOTICE and its applicability and liable to be quashed.

(xi) BECAUSE the claim is barred by laches.

case LAW : Guttu Lal
Vs.
Gulab Singh
REPORTED IN : 1985 (1) S.C.C. 932

(xii) BECAUSE the time space has made to restor the applicant -subscriber to his original posi- -tion impossible.

CASE LAW : Raghunath
Vs.
Imperial Bank.
REPORTED IN : A- 1926 Bom. 6

S. N. Sinha.

contd....

Kay 21

(xiii) BECAUSE the mistakes on the part of the Opposite Parties are serious enough for re-opening the account by operation of Law and the claim of over payment is the respective liability of the Opposite Parties to contribute.

6. DETAILS OF REMEDIES EXHAUSTED :

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

Sl. No.	Particulars of Representation	Authority	Result	Annexures
1.	Representation Dated 22.1.1989	D.A. (P) Lucknow.	No reply	A-14
2.	Representation Dated : 15.6.89	P.M.G., U.P. Circle, Lko.	rejec- -ted.	A-15
3.	Representation Dt : 5.1.1990.	D.G. Posts New Delhi.	pen- -ding	A-16

7. MATTER NOT PREVIOUSLY FILED OR PENDING with ANY OTHER COURT :

The applicant further declares that [illegible]

S. N. Sinha.

contd... 18.

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 of the Tribunal nor any such application, Writ Petition or suit is pending before any of them.

8. **RELIEFS SOUGHT :**

(1) This Hon'ble Tribunal be pleased to declare the claim of Opp. Parties for an amount of Rs. 4,132/= against the overdrawn G.P.F. money, vide their orde-r dated 6.3.1990 a-nnulled by a issue of instructions, direc-tions and commands in shape of mandamus against the Opp. Parties.

(2) This Hon'ble Tribunal be further pleased to quash the impugned order dated 6.3.1990 prohibiting the Opp. Parties not to levy any Charges of recovery, whatsoever be, on the emoluments of pension admissible and drawn by the applicant including the amount of relief, if any, payable to the applicant-Pensioner.

28/6

S.N. Sinha.

contd... 19.

(3) This Hon'ble Tribunal be very graciously ~~be~~ pleased to issue directives, instructions and commands in shape of mandamus to cause payment of Rs. 2,753/= as deposito against GPF A/c No. 34468 @ Rs. 18% with pendentilite benefits and further interest till the date of actual payment at Bank rate , O R

Alternatively damages @ Rs. 50/= per day w.e.f. 22.3.1990 till the date of actual payment , or both as deemed just and proper.

(4) This Hon'ble Tribunal be pleased to award any other relief to which the applicant may be found to be entitled or as the nature of the case may permit.

9. <u>INTERIM ORDER PRAYED FOR</u> :

(1) Opposite Parties by issue of instructions , orders or commands in shape of prohibitory injunction be restrained not to recover whole or part of the amount of Rs. 4,132/= as over paid G.P.F. money from the emoluments including relief of pension being paid or become admissible from time to time to the applicant till further orders of this Hon'ble Tribunal.

S.N. Sinha.

contd.... 19.

A-4/24

~~Tribunal~~.

10. **ORAL HEARING AT THE ADMISSION STAGE**

(i) The applicant be permitted to be heard at the admission stage by the Hon'ble Tribunal through his Counsel Sri R.V. Tiwari, Advocate, High Court, Lucknow Bench, Lucknow.

11. **PARTICULARS OF INDIAN POSTAL ORDER IN RESPECT OF THE APPLICATION FEE :**

Shivaji Marg, P.O. Lucknow I.P.C. No. 02 417739 dated : 28.5.1990 for Rs. 50/= is enclosed, towards application fee.

12. **LIST OF ENCLOSURES :**

(i)	Application	Page	to
(ii)	Affidavit	Page	to
(iii)	Compilation No. I	ANNEXURE NO.	A
(iv)	Compilation No. 2	ANNEXURE NO.	
(v)	Indian Postal Order No. 02 417739 for Rs. 50/= issued by Shivaji Marg, P.O. Lucknow on 28.5.1990.		

S.N. Shukla.

contd..... 21.

A-4/5

(vi) VAKALAT NAMA

VERIFICATION

I, Swaroop Narain Sinha (S.N. Sinha) aged about 60 years, Son of Late Laxmi Narain Sinha, resident of 172-Gautam Budh Marg, now retired Dy. Post Master, Lucknow G.P.O., do hereby verify that the contents of paras 1 to 4 (21) are true to my personal knowledge and paras 5 to 7 believed to be true on legal advise and I have not supressed any material facts.

Lucknow :

Dated :- 27.6.1990

S.N. Sinha.

Signature of the Applicant

R.V. Tewari

R. V. Tiwari

Advocate

High Court

Lucknow Bench

(Reg. No. 439/76)

22

[illegible]

[illegible]

[illegible]

[illegible] .... [illegible]

[illegible]

[illegible] .... [illegible]

APPLICATION UNDER S-19 OF C.A.T. ACT- 1985.

A F F I D A V I T

I, Swaroop Narain Sinha (S.N. Sinha) , aged about 60 years, Son of Late Laxmi Narain Sinha, resident of 172-Gautam Budh Marg, Lucknow, do hereby take oath and states as under :-

1. That the deponent is the applicant in the above noted case and he is fully conversant with the facts and circumstances of the case.

2. That the deponent, while working as Dy.- Post Master, Lucknow G.P.O. , was the holder of G.P.F. A/c no. 34468 controlled and managed by the GENERAL PROVIDENT FUND , (Central Services) RULES, 1960 and also PROVIDENT FUNDS ACT- 1925.

3. That the deponent retired on 31.7.1988 on superannuation.

4. That the facts of paras 4 (1) to 4 (21), 6, & 7 are true to his personal knowledge, records, rules and enactments governing the maintenance and operation of the said Fund, of the application filed U/s – 19 of C.A.T. Act 1985.

5. That the facts of paras 5 (1) to 5 (xiii) of the application aforesaid, are believed to be true on legal advice.

6. That the enclosures annexed to the aforesaid application are true copies of the originals.

7. That no material facts have been concealed or supressed.

8. That the deponent was sanctioned and granted Rs. 1284-(1088+196) as pension vide P.P.O. no. LKO(P)10230 dated 1-8-1988 by the Govt. of India, through the Opp. Parties.

9. That the deponent has not drawn and received the amount of pension w.e.f. March 1990 because of the threats by the Opp. Parties to recover the amount of the alleged over drawn G.P.F. Money from the D.A. and A.D.A. defined as relief, admissible to the deponent-Pensioners.

Lucknow :

Dated : 27 ...1990

S N Sinha

Deponent

24

: 3 :

V E R I F I C A T I O N

I, the above named deponent, do hereby Verify that the contents of paras 1 to 9 of this affidavit are true to my personal knowledge, records and legal advice, and are believed to be true.

No material facts have been concealed or suppressed in it.

Signed and verified this 27th day of June 1990, in the Civil Court's Compound at Lucknow.

Lucknow :

Dated :- 27.6.1990.

S. N. Sinha
Deponent.

I identify the above named deponent Sri S.N. Sinha who has signed in my presence.

R.V. Tewari
(R.V. Tiwari)
Advocate
High Court, Lucknow.

R. V. Tiwari
Advocate
High Court
Lucknow Bench
(Reg. No. 4791/88)

Solemnly affirmed before me on 28.6.1990 at 10.30 a.m./p.m. by the deponent Sri S.N. Sinha who is identified by Sri R.V. Tiwari, Advocate, High Court, Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent [illegible] contents of the affidavit [illegible]

[illegible]

R.V. [illegible]

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. NO. .... OF 1990

Swaroop Narain Sinha (S.N. Sinha) .... APPLICANT

Vs.

Union of India & others .... OPP. PARTIES

APPLICATION UNDER S- 19 OF C.A.T. ACT - 1985

REGISTERED ADDRESS

1. APPLICANT Name & Designation

Swaroop Narain Sinha (S.N. Sinha)
S/o [illegible] Sri Laxmi Narain Sinha,
r/o 172-Gautam Budh Marg, Lucknow,
Dy.- Post Master, (Retd.),
Lucknow G.P.O.

2. OPP. PARTIES :

(a) Authority : Union of India through Secy.,
Address : The Secy., Ministry of Communica-
-tion, (Deptt. of posts). Dak Tar
Bhawan, [illegible] Marg, New Delhi.

(b) Authority : The Director of Accounts (Postal),
Address : U.P. Circle, Aminabad, Lucknow.

(c) Authority : A.C. (CAT-Cell) C/o The [illegible]
U.P. Circle, Lucknow.
Address : [illegible]
[illegible] - 226007.

A-5/4

(d) Authority : The Chief Post Master,

Lucknow G.P.O.

Address : Lucknow G.P.O. - 226001.

Lucknow :

Dated :- 27.6.1990

APPLICANT

R.V. Tewari

R. V. Tiwari
Advocate
High Court
Lucknow Bench
(Reg. No. 4791/85)

27 48

सेन्ट्रल ऐडमिनिस्ट्रेटिव ट्रिब्यूनल, इलाहाबाद
सर्किट बेंच, लखनऊ

ओ० ए०   1990,

एस०एन० मिश्रा --------विरुद्ध------- यूनियन आफ इंडिया एण्ड अदर्स,

संलग्नक ए-11

भारतीय डाक विभाग
कार्यालय - चीफ पोस्ट मास्टर, लखनऊ जी०पी०ओ०

श्री एस०एन० मिश्रा,
अवकाश प्राप्त उप डाकपाल,
172- गौतमबुद्ध मार्ग, लखनऊ-19,

सं०/लेखा/जी०पी०एफ०/माइनस बैलेन्स/एस०एन० मिश्रा/खाता संख्या डी. 34468/128/89-90 दिनांक 6-3-90,

संदर्भ:- आपके पत्र संख्या निल दिनांक 26-2-90

कृपया निदेशक, लेखा डाक जी०पी०एफ० जी०पी०एफ० II /जी०पी०एफ०/माइनस बैलेन्स / एस०एन० मिश्रा/ 241 दिनांक 3-1-89 का अवलोकन करें तथा एक नई व्यक्तिगत हो जाने तथा रिकवरी न करने पर पुनः निदेशक लेखा डाक के पत्र संख्या: ल०म०नि० ब०/ब सं० 47/1948/दिनांक 8-1-90 के द्वारा आदेश हुआ कि शीघ्र ही 3809/= रुपये अवशेष बैलेन्स की रिकवरी करके विवरण प्रेषित करें।

चूंकि आपके पेंशन के डी.ए. से कटौती का आदेश दिनांक 30-1-90 को कर दिया गया है। इस सम्बन्ध में आप सीधे निदेशक लेखा डाक, जी०पी०एफ० से लिखापढ़ी करें। जैसा कुछ आदेश मिलेगा उसका पालन किया जायेगा।

ह०/

चीफ पोस्ट मास्टर,
लखनऊ जी०पी०ओ०,

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

O.A. No. of 1990

IN - RE

S.N. Sinha Vs. Union of India & others.

ANNEXURE NO. A-13

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL), U.P. CIRCLE,
542-E, RAI BEHARI LAL ROAD, NEW HYDERAVAD, LUCKNOW- 226007

To,

Shri R.V. Tiwari
X AdvocateX
554-/37-G/22, Pawan Puri,
Alambagh, Lucknow.

No. GPF Cell/S.N. Sinha M.B. 47/206 Dated : 30.5.90

Subject : Regarding recovery of amount of Rs. 4132/- in respect of overpaid/overdrawn the amount Rs. 3,401/- and Rs. 731/- (interest upto 4/90 thereon)

****

Sir,

Kindly refer to your notice dated 22.3.1990 on above subject. It is again advised to you to convince your client Shri S.N. Sinha holder of GPF A/c No. PTD-34468 to deposit an amount of Rs. 4,132/- against the overdrawn GPF money as mentioned above. The interest is increasing month by month. As per this office records, the amount is all correct. Failure of depositing the amount recoverable by your client will enforce this office to file a suit of Civil nature. The positive efforts are desirable from your end.

True copy attested

sd/-
ASSTT. ACCOUNTS OFFIcer
(GPF CELL).

Received today the Ist of June 1990,
through New Hyderabad P.O. RL No. 661 dt: 30.5.90.

sd/-
(R.V. Tewari)
Advocate.

In the Central Administrative Tribunal at Allahabad
Circuit Bench Lucknow

ब अदालत श्रीमान् महोदय 2-9

[वादी अपीलान्ट] S. N. Sinha

.................................श्री ....

प्रतिवादी [रेस्पाडेन्ट]

A/1

कालतनामा

S. N. Sinha

Union of India and Ors.

बनाम प्रतिवादी (रेस्पाडेन्ट)

न० मुकद्दमा सन् पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री R. V. Tewari Advocate

~~वकील~~

.... महोदय

एडवोकेट

नाम अदालत ....
मुकद्दमा नं० ....
नाम फरीकैन ....

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौठावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
R V Tewari
Adv.
26/6

R. V. Tewari 26/6
Advocate
High Court
Lucknow Bench
(Reg. No. 473/69)

हस्ताक्षर S. N. Sinha
26.6.90

साक्षी (गवाह) .... साक्षी (गवाह) ....

दिनांक 26 .... महीना 6 .... सन् १९90 ई०

स्वीकृत

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

A-1

O.A. No. of 1990

IN RE

S.N. Sinha Vs. Union of India & others

ANNEXURE A-1

D.O. No. GPF-II/P-V/Minus Balance/
S.N. Sinha.

P.S. MATHUR
ACCOUNTS OFFICER.

-12-88

Dear Shri Haneja.

As a result of final calculation of GPF A/c of Shri Swaroop Narain Sinha (holder of GPF A/c No. PTD -34468) who retired on 31.7.1988, the GPF Balance has arrived to a minus balance of Rs. 3,401/- (Minus Rupees Three Thousand Four Hundred and One) only. Kindly instruct the retires to deposit the amount of excess drawl of Rs. 3,401/- in order to nullify the Minus balance.

With regards.

Yours Sincerely,

Sd/-
(P.S. Mathur)

To,

Shri B.D. Haneja.
Chief Post Master, Lucknow GPO.

No. GPF II/P-V/Minus Balance/742 Dt. 3-1-1989
S.N. Sinha.

Copy to Shri Swaroop Narain Sinha, 172-Gautam Budh Marg, Lucknow for information and requesting him to

S N Sinha

contd... 2

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deposit the said amount in Govt. Account to nullify the minus balance which occurs due to grant of excess GPF advances & Final Withdrawls.

Accounts Officer (GPF)

S.N. Sinha.

True copy attested

R.V. Tewari.

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Annx. A-2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. NO. OF 1990

In RE

S.N. Sinha Vs. Union of India & others.

ANNEXURE No- A-2

True copy attested
R.V. Tewari
R. V. Tiwari
Advocate
High Court
Lucknow Bench
(Reg. No. 4731/65)

S.N. Sinha.

स्था० ० पु०(त) 80 A-2
M. S. (T) 80

फार्म 80
FORM 80

कार्यालय निदेशक डाक लेखा उ० प्र० परिमंडल लखनऊ Office of the Director of Accounts (Postal) U. P. Circle Lucknow

भविष्य निधि लेखे का वार्षिक विवरण सामान्य भविष्य निधि/Annual Statement of General Provident Fund Account

लेखे का वर्ष/Year of Account 1987-88 ब्याज की दर/Rate of Interest 12 प्रतिशत/Per cent

लेखा संख्या Account No.	अभिदाता का नाम Name of Subscriber	अथ शेष Opening Balance	*वर्ष में जमा/वसूलियाँ *Deposits/Recoveries during the year	†वर्ष में दिया गया ब्याज †Interest allowed during the year	वर्ष में निकाली गई राशि Withdrawal during the year	‡शेष ‡Balance
1	2	3	4	5	6	7
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

*इसमें नीचे दिए गए ब्यौरे के अनुसार पिछले वर्षों में वसूल की गई लेकिन अभिदाता के खाते में इस वर्ष दर्ज की गई .... रुपये की रकम भी शामिल है।
* This also includes Rs. .... recovered in earlier years as detailed below, but brought to the account of the subscriber in this year.
†पिछली अवधियों से सम्बन्धित क्रेडिटों पर ब्याज भी शामिल है/Includes, Interests on credits relating to earlier periods also.
‡गुम क्रेडिटों और डेबिटों के लिए कृपया पृष्ठ भाग देखें/For missing credits/debits please see reverse.

टिप्पणी/Notes :—

1. यदि अभिदाता पहले किए गए नामन में कोई परिवर्तन करना चाहे तो एक संशोधित नामन पत्र निधि नियमावली के अनुसार भेज दें। If the subscriber desires to make any alteration in the nomination already made, a revised nomination may be sent forthwith in accordance with the rules of the Fund.
2. यदि अभिदाता ने शुरू में परिवार न होने के कारण किसी व्यक्ति/व्यक्तियों को, जो उसके परिवार के सदस्य नहीं थे, नामित किया हो और बाद में उसका परिवार हो गया हो तो उसको अपने परिवार के सदस्यों/सदस्यों के नाम नामन पत्र प्रस्तुत कर देना चाहिए/In case the subscriber, owing to his/her having no family then, had nominated a Person/persons other than a member/members of his/her family and has subsequently acquired a family, he/she should submit a nomination in favour of a member/member of his/her family.
3. अभिदाता से अनुरोध है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि कोई गलती हो तो इसकी प्राप्ति के § .... मास के अन्दर उसको लेखा अधिकारी के ध्यान में लाए/The subscriber is requested to satisfy himself/herself as to the correctness of the statement and to bring errors if any, to the notice of the Account Officer within § .... month (s) from the date of its receipt.
§सम्बन्धित निधि नियमावली के अनुसार भरा जाय/To be filled in according to the rules of the Fund concerned.

दिनांक/Date ....

हस्ताक्षर/Signature
कनिष्ठ लेखाधिकारी डाकलेखा, लखनऊ/Jr. Accounts Officer Postal Accounts, Lucknow
पदनाम/Designation
(S. M. H. Rizvi)
Dy. A.O. G.P.F.-II
Cent Accountant.

.... को लौटाया जाय।
TO BE RETURNED TO THE Office of Director of Accounts (Postal) U. P. Circle, Lucknow

19 ...... 19 ...... वर्ष के मेरे .... भविष्य निधि लेखे के वार्षिक विवरण के संदर्भ में।
With reference to the Annual Statement of my .... Provident Fund Account for the year 19 .... 19 ....
मैं प्रमाणित करता हूँ कि मेरी जानकारी और सूचना के अनुसार उसमें दिखाया गया शेष सही है/I certify that to the best of my knowledge and information the balance shown therein is correct

IN THE CENTRAL AD[illegible] AL AT ALLAHABAD

[illegible]

O.A. No. [illegible] of 1990

In re

S.N. Sinha vs. Union of India & others.

ANNEXURE No- A-3

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL), U.P. CIRCLE,
542-E-RAI BEHARI LAL ROAD, NEW HYDERABAD, LUCKNOW-226007.

To,

Sri S.N.Sinha,
172, Gautam Budh Marg,
LUCKNOW.

NO.GPF.II/P-V/S.N.Sinha/Minus balance/848 Dated:-9-2-89.

******

Dear Shri........,

Kindly refer to your D.O.letter No.PTD-34468 S.N.Sinha dt.27-1-89 regarding minus balance of Rs.3401/- in your GPF account.

In this connection following information is submitted for your information. The GPF subscription and refund of advance a Rs.1000/- p.m.(both @ Rs.500/- per month) for the period March/April,88 to May/June,88 have already been accounted for while ~~furnishing~~ finalising your GPF account. Regarding minus balance of Rs.3401/- it is intimated that following withdrawals and advance were not accounted for in your GPF ledger in 1975-76. On final closure these have been noticed missing and thus posted.

1. GPF final withdrawals of Rs.1440/- sanctioned vide P.M.,Lucknow No.E-170/GPF/Final withdrawal S.N.Sinha dt.11-7-75.
2. GPF advance of Rs.315/- drawn by you vide supply Bill No.121 dt.2/76.

Besides these two advances drawn by you in 1974-75 are still not traceable. You are requested to see and intimated from your records the amounts of advances drawn by you in 1974-75.

Yours faithfully,

Accounts Officer,
(G.P.F.)

7/2/(?)

S. N. Sinha.

True copy attested
RV Tewari

I. . . . A. . . . . AL AL AHA ABAD

. . . .

C.A. 1990

. . . .

S.N. . . . Vs. Union of India & others.

ANNEXURE A-4

From: S.N.sinha
172, Gautam Budha Marg
Lucknow

February 27,1989

To

The Accounts Officer (GPF)
Office of the Director of Accounts (Postal)
U.P.Circle, 542-E, Rai Behari Lal Road
New Hyderabad, LUCKNOW

Dear Sir,

Kindly refer to your letter No. GPF.II/P-V/SN SINHA/ Minus Balance/848 dated 9.2.1989. In this connection I have to state as under :-

1. That the details given in your letter under reply are incorrect and baseless.

2. That while taking advance for Rs. 525/= on 12.11.1976, I have specifically mentioned in the Application For Advance from GPF Account, the figure of Rs. 1440/= as withdrawl and Rs. 315/= as an advance. This figure was duly verified by the Post Master, Lucknow while sanctioning my above request for advance of Rs. 525/=. The Post Master Lucknow after sanctioning the amount of Rs. 525/= also intimated to you that in my GPF Account there is a balance of Rs. 188/=. If your present version, for the sake of argument, is accepted then I wonder how at that time your accounts were tallied with the accounts submitted by the Post Master, Lucknow (as late as lst week of December, 1976).

3. That the advance taken by me for Rs. 315/= was refundible. It was taken on 10.2.1976. This amount has since then been refunded in subsequent salary bills. I amsorry to note that before finalising the accounts you did not think proper to verify the accounts from the Post Master, Lucknow.

R. V. Tiwari
Advocate
. . . Court
. . .

S. N. Sinha

..2

35

= 2 =

4. That I am unable to understand how you have charged interest when all the amounts taken by me had already been adjusted and settled. Your action in charging interest without any basis is arbitrary, illegal and capricious.

5. That I am given to understand that in reply to your query with the Post Master, Lucknow regarding advances during the year 1974-75, he has already intimated to you that no advances were taken by me during the year 1974-75. Instead of verifying your records, it appears to me that you are placing greater reliance on Private Accounts rather than Official Accounts. Had it not been so you would not have asked me to verify my own record.

6. That it also appears to me that you have not maintained my accounts correctly while all the sums taken by me had already been adjusted and settled. So while finalising my accounts you did not care to check the accounts properly and without any basis shown minus balance of Rs.3,401/= (including interest) and have demanded the same from me which is arbitrary apart from illegal. The actual position is just reversed.

You are, therefore, requested kindly to check my GPF Account thoroughly and properly and adjust the amounts mentioned above and release my balance amount without any further ~~delay~~ delay (i.e. within 30 days) with upto date interest. I am afraid that in case payment is not made within the stipulated time, I have no option except to take such legal action as may be advised.

Thanking you,

Yours faithfully,

(S.N. SINHA)

Copy alongwith a copy of letter referred to above forwarded to Post Master, Lucknow for favour of information and necessary action please.

S.N. Sinha.

Encl: as above

(S.N.SINHA)

True copy attested
R.N. Tewari

IN THE [illegible] A. ALLA ABAD

36

C.A. No. OF 199[illegible]

[illegible] Vs. Union [illegible] Others.

A[illegible]E[illegible] No- A-5

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

~~APPLICATION FOR ADVANCE~~ FROM G.P.F.

1. Name of the subscriber. Swaroop narain Sinha.
2. Account. Number (With departmental suffix). 34468 GPF.
3. Designation. d.S. G.(F)
4. Pay. 500/- Rs. five hundred only.
5. Balance at credit of the subscriber on the date of application as below:- 638.00 Rs six hundred thirty eight only.
   (i) Closing balance as per statement for the year 1974-75 Rs. 1548.00.
   (ii) Credit from 1/4/75 to 1/2/76 subscription 330/-.
   (iii) Refunds of loan from 1/4/75 to 1/7/75 Rs 200/-.
   (iv) Withdrawals during the periods from final withdrawals. on 11/7/75 Rupees one thousand four hundred forty i.e. 1440.00.
   (v) Net balance at credit. 638.00 Rs. six hundred thirty eight only.
6. Amount of Advance/Outstanding if any and the purpose for which advance was taken then. Nil.
7. Amount of advance required. ~~460/- Rs four hundred sixty only~~ 315/- Rs. three hundred fifteen only.
8. (a) Purpose for which the advance is required. Mundan of daughter named Nidhi Sinha aged 4 years 3 months function to be held on 15/2/76
   (b) Rules under which the ~~[illegible]~~ request is covered.
9. Amount of the consolidated advance (item 6 & 7) and the number of monthly instalments in which the consolidated advance is proposed to be repaid. 315/- Rupees fifteen only 15/- per month in 21 equal instalments.
10. Full particulars of the pecuniary circumstances of the subscriber, justifying the application for the advance. No allowance.
11. ~~Total deduction:~~

S.N. Sinha
Signature of the applicant.
Name. Swaroop narain Sinha.
Designation. d.S.G.(F)
Section/Branch. 11 Issue Br SB Ls.

Dated: 3/1/76.

S.N. Sinha

Particulars verified
Col 1 to 10 verified

APM Accounts
Lucknow GPO

True copy attested
R.V. Tewari

R. V. Tiwari
Advocate

BNS12-75.

37

E-170/GPF Advance/ Dated at Lucknow the,

~~Sanction of the President~~ is hereby accorded under Rule of for the grant of an advance of Rs. (Rs.) to Shri/~~Shrimati/Kumari~~ from his/~~her~~ GPF Account No. to enable him/~~her~~ to defray expenses on

2. The advance will be recovered in 21 monthly instalments of Rs. 15/- (Rs. Fifteen each) commencing from the salary for the month of payable in .

3. A sum of Rs. (Rs.) out of advance of Rs. sanctioned in and paid to him/her in will be outstanding till the commencement of recovery of the consolidated amount as specified below. This amount together with the advance now sanctioned aggregating to Rs. will be recovered in monthly instalments of Rs. each commencing from the salary for the month of payable in

4. Balance at credit of Shri as on is detailed below.

(i) Balance as per account slip for the year Rs.

(ii) Subsequents deposits and refunds of advance at the rate Rs. P.m. from to

(iii) Total of Col. (i) and (ii) Rs. 2078/-

(iv) Subsequent withdrawals, if any, Rs. 1440/-

(v) Balance as on date of sanction Col. (iii) - (iv) Rs. 638/-

This issues with the concurrence of the Ministry of Finance vide their UAO. No. F.20(7)-EV(B)74 dated 23.9.74.

Sd/- B.D. Agarwal

Sanctioning Authority

Copy to:-

1. ~~The APM Accounts Lucknow GPO.~~
2. The Dy.D.A.A. P&T Lucknow.
3. The Official concerned.

True copy attested

S. N. Sinha

Postmaster,
Lucknow GPO.

BIS 2-75.

315/- 638

IN THE CENTRAL A[illegible] ALLAHABAD

C.A. [illegible]

38

... [illegible] others.

[illegible] -6

-6

[illegible] DEPARTMENT

APPLICATION FOR [illegible]

1. Name of the Subscriber. [illegible]

2. Account No.(with Departmental Suffix). 34166 [illegible]

3. Designation. [illegible]

4. Pay. ~~[illegible]~~

5. Balance at credit of the subscriber on the date of [illegible] 575+133.10+57.50+77.25+23.20 = 806.05

(i) Closing Balance as per statement for the year 1974-75 [illegible]

(ii) Credit from 1-4-75 to 1-10-76 Subscription [illegible]

1-11-76

(iii) Refunds. [illegible]

(iv) Withdrawals during the period from [illegible] 14-11-76 [illegible]

(v) Net Balance at credit. 3713-[illegible]

6. Amount of Advance/Outstanding if any and the purpose for which [illegible] taken. [illegible]

7. Amount of Advance required. [illegible]

8. (a) Purpose for which the advance is required. [illegible]

(b) Rules under which the request is covered. [illegible]

9. Amount of the consolidated advance [illegible] [illegible]

10. Full particulars of the pecuniary circumstances of the subscriber [illegible]

GPF Adv 157- GPF 357-
FA 201- CDS [illegible]
CA 81-
C 73/70

Dated: [illegible]

S.N. Sinha

Signature of the Applicant. S.N. Sinha
[illegible]
Section.

Particulars verified.
[illegible]

APM Accounts,
[illegible]

True copy attested
R.N. Tewari
R.N. Tiwari
Advocate

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E/170/GPF Advance/ Dated at Lucknow the, (8)

Sanction of the President is hereby accorded under Rule ________ of ________ for the grant of an advance of Rs. 5250/- (Rs. पाँच हजार दो सौ पचास रु०) to Shri/Kumari ________ his/her GPF Account No. ________ to enable him/her to defray expenses on ________.

2. The advance will be recovered in ________ monthly instalments of Rs. ________ each, commencing from the salary for the month of ________ payable in ________.

3. A sum of Rs. ________ (Rs. ________) out of advance of Rs. ________ sanctioned in ________ and paid to him/her ________ will be outstanding till the commencement of recovery of the amount as specified below. This amount together with the advance now sanctioned aggregating to Rs. ________ (Rs. ________) will be recovered in ________ monthly instalments of Rs. ________ each commencing from the salary for the month of ________ payable in ________.

4. Balance at credit of Shri ________ as on ________ is detailed below.

(i) Balance as per account slip for the year ________ Rs. ________

(ii) Subsequent deposits and refunds of advance at the rate Rs. ________ p.m. from ________ to ________

(iii) Total of Col. (i) & (ii) Rs. ________

(iv) Subsequent withdrawals, if any, Rs. ________

(v) Balance as on date of sanction (iii) - (iv) Rs. ________

This issues with the concurrence of the Ministry of Finance vide their U.O.No. ...20(7)-FV(2)74 dated 23.9.74.

Sanctioning authority
Post Master
Lucknow. 226001

Copy to:-
1. The APM Accounts Lucknow GPO.
2. The Director of Accounts, Postal, UP Circle, Lucknow.
3. The official concerned.

S. N. Sinha

Sanctioning authority
Lucknow 226001

RNS1-76

True copy attested

RN Tewari
R. N. Tiwari
Advocate
Lucknow Bench
(Reg. No. 4731/08)

IN THE CENTRAL A... ... AL AT ALLAHABAD

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CI... ... .I ...

O.A. NO. OF 1990

In ...

S.N. Sinha ... v. Union of India & others.

... 1-7

कार्यव्यवहार-22
Corr.-22

भारतीय डाक विभाग
DEPARTMENT OF POSTS INDIA

प्रेषक लेखाधिकारी
From सामान्य भविष्य निधि
कार्यालय, निदेशक डाक लेखा
लखनऊ

उत्तर देते समय कृपया
निम्न संदर्भ दें
In reply
Please quote

सेवा में श्री राम सुरत पाण्डेय (एडवोकेट)
To कार्यालय, गोलागंज बिल्डिंग
प्रताप मार्केट, अमीनाबाद लखनऊ

क्रम संख्या
No. सा०भ०नि०प्र०/गृ०मं०-47/90 दिनांक Dated at 229 25-8-89.

विषय
SUBJECT श्री एस०एन० सिन्हा के सा०भ०नि० खाते में रु० 3401/= के गलत भुगतान के सम्बन्ध में।

महोदय,

आपके पत्र संख्या NIL दिनांक 15-6-89 के संदर्भ में आपको सूचित किया जा रहा है, कि श्री स्वरूप नारायण सिन्हा के ऊपर भारत सरकार का रुपये 3401/= बाकी है, जिसके बारे में उनको इस कार्यालय के पत्र संख्या सा०भ०नि० प्र०/गृ०मं०-90/571 दिनांक 26-5-89 द्वारा पूर्ण रूप से समझाया गया है, तथा इस पत्र के साथ उनके खाते का 1973-74 से 1988-89 तक का Calculation chart भी भेज दिया गया है। ताकि वे सन्तुष्ट हो सकें।

अतः आप श्री सिन्हा के पास इस कार्यालय के पत्र संख्या सा०भ०नि०प्र०/गृ०मं०-90/571 दिनांक 26-5-89 का अवलोकन करें, व श्री सिन्हा को भी सन्तुष्ट करें। और यदि उनके इस कार्यालय की कोई गलती है, तो उसे बतायें जिससे कि यदि कोई त्रुटि है तो उसे ठीक करा दिया जाये। और यदि सब ठीक है तो अपने मुवक्किल से रु 3401/= जमा करने को कहें।

S.N. Sinha True copy attested

RN Tewari
R. V. Dixit

भवदीय
[signature]
लेखाधिकारी

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

41

O.A. No.

S.N. Sinha v. Union of India & others.

Annexure 7 (a)

पत्रव्यवहार-22
Corr.-22

भारतीय डाक विभाग
DEPARTMENT OF POSTS INDIA

प्रेषक लेखाधिकारी
From सामान्य भविष्य निधि
कार्यालय, निदेशक डाक लेखा
लखनऊ

उत्तर देते समय कृपया
निम्न संदर्भ दें
In reply
Please quote

सेवा में श्री राम सूरत पाण्डेय (एडवोकेट)
To कार्यालय, गंगाराम बिल्डिंग
प्रताप मार्केट, अमीनाबाद, लखनऊ

क्रम संख्या
No. सा०भ०नि०प्र०/ग्रे०भ०-471/90 दिनांक
Dated at 229 25-8-89.

विषय
SUBJECT श्री एस०एन० सिन्हा के सा०भ०नि० खाते में रु० 3401/= के ऋण अवशेष के सम्बन्ध में।

महोदय,

आपके पत्र संख्या NIL दिनांक 15-6-89 के संदर्भ में आपको सूचित किया जा रहा है, कि श्री स्वरूप नारायण सिन्हा के ऊपर भारत सरकार का रुपये 3401/= बाकी है, जिसके बारे में उनको इस कार्यालय के पत्र संख्या सा०भ०नि०प्र०/ग्रे०भ०-90/571 दिनांक 26-5-89 द्वारा पूर्ण रूप से समझा दिया गया है, तथा इस पत्र के साथ उनके खाते का 1973-74 से 1988-89 तक का Calculation chart भी भेज दिया गया है। ताकि वे सन्तुष्ट हो सकें।

अतः आप श्री सिन्हा के पास इस कार्यालय के पत्र संख्या सा०भ०नि०प्र०/ग्रे०भ०-90/571 दिनांक 26-5-89 का अवलोकन करें, व श्री सिन्हा को भी सन्तुष्ट करें। और यदि इसमें इस कार्यालय की कोई गलती है, तो उसे बतायें जिससे कि यदि कोई त्रुटि है तो उसे ठीक कर दिया जाये। और यदि सब ठीक है तो अपने मुवक्किल से रु 3401/- जमा करने को कहें

भवदीय

True Copy attested
R. V. Tiwari
Advocate

S.N. Sinha

लेखाधिकारी
सामान्य भविष्य निधि

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

42

CIRCUIT BENCH, LUCKNOW

O.A. NO. OF 1990

In RE

S.N. Sinha Vs. Union of India & others.

ANNEXURE No- A- 7 (ii)

उत्तर रेलवे / Northern Railway — मंडल लेखा कार्यालय, लखनऊ

सेवा में / To: श्री एस. एन. सिन्हा, 172, गौतम बुद्ध मार्ग लखनऊ

पत्र संख्या / No. ...... दिनांक 26-5-89

विषय / SUBJECT: श्री एस. एन. सिन्हा .... के खाते में ऋण .... के सम्बन्ध में

महोदय,

आपके पत्र संख्या PTD 34468/S.N. Sinha/Fin/88-89 दिनांक 27-2-89 के सन्दर्भ में आपको बताया जा रहा है कि आपने वर्ष 75-76 में Rs 1440/- Withdrawal तथा Rs 315/- Advance लिया था तथा वर्ष 76-77 में Rs 525/- लिया था, ... कि Rs 315/- व Rs 525/- की ...... की जा चुकी है तथा Rs 525/- को आपके खाते में Debit कर दिया गया था, परन्तु Rs 1440/- व Rs 315/- को आपके खाते में गलती से Debit नहीं किया गया था, जिस समय आपको अन्तिम भुगतान के लिये calculation किया जा रहा था उस समय यह तथ्य सामने आया, जिस कारण आपके खाते में minus balance हो गया।

आपकी पूर्ण जानकारी हेतु आपको आपके खाते का पूर्ण calculation chart भेजा जा रहा है जिससे कि आप सन्तुष्ट हो सकें।

S.N. Sinha

True copy attested

R.V. Tewari
R. V. Tiwari
Advocate
High Court

.... 26/5/89
मंडलीय लेखाधिकारी
....

IN THE C... A... T... AL AT ALLAHABAD

43

... BENCH, ...

O.A. NO. OF 1990

In ... R

S... Sinha V. Union of India & others.

A... 7 (2)

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL), U.P. CIRCLE
543-A RAI BEHARI LAL ROAD NEW HYD... LUCKNOW-226...

CALCULATION SHEET OF THE G.P.F. AMOUNT PAYABLE ON DEATH/DISMISSAL/ RESIGNATION/RETIREMENT
****

1. NAME OF SUBSCRIBER Shri Swaroop Narayan Sinha
2. G.P.F. Account No. PT(D) 34468
3. Date of event Retirement/Death/ 31-7-88
4. Month upto which Intt. Allowed; Dec 1988.
5. Whether the amount from 1.4.73 has been received in detail and found in order (in case of posting whether checked with schedules/vouchers).
6. Closing balance as on 31.3.73 as certified list of balance & corrections received from D.A.P. Delhi.

Year 1973-74		Year 1974-75		Year 1975-76	
O.B. Rs.	396=00	O.B. Rs.	1068=00	O.B. Rs.	1641=00
D&R Rs.	625=00	D&R Rs.	480=00	D&R Rs.	375=00
Intt. Rs.	42=00	Intt. Rs.	98=00	Intt. Rs.	55=00
Total. Rs.	1063=00	Total. Rs.	1641=00	Total. Rs.	2071=00
W/D. Rs.	nil	W/D. Rs.	nil	W/D. Rs.	1755=00
C.B. Rs.	1068	C.B. Rs.	1641=00	C.B. Rs.	316=00
				Bonus	....

Year 1976-77		Year 1977-78		Year 1978-79	
O.B.	316=00	O.B.	360=00	O.B.	(-) 389=00
D&R	540=00	A.D.A.	273=10	D&R.	1565=00
Intt.	29=00	Arrt	30=90	Intt.	(-) 58=00
Bonus.	—	Net O.B.	664=00	Bonus	1128=00
Total.	885=00	D&R	860=00	W/D	1608=00
W/D.	525=00	Intt.	(-) 5=00	Bonus	—
C.B.	360=00	Total	1519=00	C.B.	(-) 565=00
		W/B.	1908=00		
		Bonus	—		
		C.B.	(-) 389=00		

Year 1979-80		Year 1980-81		Year 1981-82	
O.B.	(-) 565=00	O.B.	(-) 739=00	O.B.	737=00
D&R	1623=00	D&R.	2500=00	D&R	4070=00
Intt.	(-) 81=00	Intt.	(-) 24=00	Intt.	4=00
Total.	977=00	Total	1737=00	Total.	4811=00
W/D	1716=00	W/D.	1000=00	W/D	4800=00
Bonus.	—	Bonus.	—	Bonus.	—
C.B.	(-) 739=00	C.B.	737=00	C.B.	11=00

Contd....2/-

S N. Sinha

R. V. Tiwari
Advocate
High Court
Lucknow Bench

Year 1982-83		Year 1983-84		Year 1984-85	
O.B.	115=00	O.B.	(-) 38=00	O.B.	(-) 637=00
D&R.	4920=65	D&R.	4400=00	D&R.	6700=00
Intt.	(-) 23-65	Intt.	1=00	Intt.	86=00
Total.	4912=00	Total.	4363=00	Total.	6149=00
W/D.	4950=00	W/D.	5000=00	W/D.	2800=00
Bonus.	—	Bonus.	—	Bonus.	—
C.B.	(-) 38=00	C.B.	(-) 637=00	C.B.	3349=00

1985-86		1986-87		1987-88	
O.B.	3349=00	O.B.	159=00	O.B.	915=00
D&R.	7700=00	D&R.	9453=00	D&R.	11000=00
Intt.	10=00	Intt.	(-) 32=00	Intt.	55=00
Total.	11059=00	Total.	9575=00	Total.	11970=00
W/D.	10900=00	W/D.	8660=00	W/D.	17960=00
C.B.	159=00	C.B.	915=00	C.B.	(-) 5990=00

1988-89		~~1988-89~~ 1989-90		1990-91	
O.B.	~~(-) 5990=00~~	O.B.	(-) 5990=00	O.B.	
D&R.	~~3500=00~~	D&R.	3500=00	D&R.	
(-) Intt.	~~269=00~~	Intt.	(-) 411=00 1.4.89 onward	Intt.	
Total.	~~(-) 2959=00~~	Total.	3401=00	Total.	
W/D.		W/D.		W/D.	
C.B.		C.B.		C.B.	

Certified that no credits/debits are lying unposted in respect of GPF AccountNo.PT(   )______of Shri_____________________as per records of this office.

JR./S.R. ACCOUNTANT.

Final payment authority for Rs.____________may be passed to Shri/Smt.________________________.
Payment Order No. [illegible]______book No.________issued to the Post Master, Head Office__________for payment of Rs.______________to Shri/Smt.______________

B Dwivedi
26/10/85

JR.ACCOUNTANT   JR. ACCOUNTS OFFICER   ASSTT.CHIEF ACCOUNTS OFFICER(G.P.F.)

True copy attested

S.N. Sinha

[illegible]

45

THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

O.A. NO. OF 1990

I N R E

S. N. Sinha .... Vs. .... Union of India and others.

ANNEXURE NO. A - 8

CONCORDENCE

ANNUAL STATEMENT OF P.F. ACCOUNT NO. D-34468 OF S.N. SINHA

RETIRED DY. POST MASTER, G.P.O., LUCKNOW

Years of Account	Opening Balance Rs.	deposits/Recoveries during the year.	Interest allowed during the year. Rs.	Withdrawl during the year Rs.	Remarks & Balance Rs.	
1977-78	2,366-00	273.10 + 860-00	30.90+ 15-00	1,908-00	1,778-00	Rs. 6/- has been shown extra.
1978-79	1,778-00	1,565-00	12.00	1,668-00	1,775-00	-- do --
1979-80	1,775-00	1,723-00	83-00	5,109-00	(-)1,528-00	
1980-81	(-) 1,528-00	5,893-00	221-00	1,000-00	3,586-00	-- do --
1981-82	3,586-00	4,070-89	259-00	4,800-00	3,115-00	-- do--

ANNX A-8

True copy attested
R. V. Tewari
R. V. Tiwari
Advocate

S. N. Sinha.

: Page No. 2 :

1	2	3	4	5	6	7
1982-83	3,115-00	654-65 + 4274-00	246.35	4,950-00	3,340-00	Rs. 6/- has been shown extra.
1983-84	3,340-00	4400-00	322-00	5,000-00	3,062-00	-- do --
1984-85	3,062-00	6700-00	456-00	2,800-00	7,418-00	--do--
1985-86	7,418-00	2300-00 + 5400-00	438-00	10,900-00	(-) 744-00 (+)4,656-00	--do--
1986-87	4,656-00	9453-00	608-00	8,660-00	6,057-00	--do--
1987-88	6,057-00	11000-00	662-00	17,960-00	(-) 241-00	
1988-89	(-) 241-00	3,000-00	--	--	(-)2,759-00 6-00	--do--

2,753-00

NET AMOUNT PAYABLE Rs.

S.N. Sinha

(S.N. SINHA)

V. Tiwari

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW 47

O.A. NO. OF 1990

In RE

S.N. Sinha Vs. Union of India & others.

ANNEXURE No- A-9

कृपया उत्तर में उद्धृत करें
In reply
please quote

सेवा में
To Shri R. S. Pandey
Advocate
541, 2nd Street,
Rajendra Nagar, Lucknow

क्रम संख्या
No. GPF cell/misc/MB-47/TR 97

दिनांक
Dated at 20-11-89

विषय
SUBJECT Recovery of overdrawn/overpaid amount of Rs 3809=00 of Shri S N. Sinha, GPF A/c No D 34468 retire on 31-7-88

Kindly refer your letter No. Nil dt. 10.10.89 regarding the minus balance of Shri S.N. Sinha.

In this Connection it is for your kind information that an advance of Rs 315/= in the month of 2/76 and final withdrawal of Rs 1440/= was paid to Shri S. N. Sinha in the month of 5/75. This was not incorporated in the D. A. slip of the same year due to some clerical mistake. It was the responsibility of the subscriber also (who was govt servant) that he should have pointed out the mistake on receipt of DA slip for the same year, but the mistake was not pointed out. At the time of final closing of the case the mistake was detected and both advance & withdrawal were taken into the account. As such the balance came to (-) 3401=00 which was already intimated to Shri S.N. Sinha vide this office letter No. GPF II/P-V/S.N.Sinha/MB/848 dt. 9-2-89 detailed calculation sheet have also been supplied to Shri S. N. Sinha vide this office Letter No. [illegible] 90/571 dt. 26.5.89.

Hence no amount is payable to Shri S.N. Sinha. On the contrary over payment of Rs 3401/= have been made to S.N. Sinha which is recoverable from him.

Interest was calculated upto Nov. 1988 now @ 12% is [illegible] due from the official which

B. V. Tiwari
Advocate Add.
High Court
Lucknow Bench

S. N. Sinha

P.T.O.

Consequently Rs 108/= your client may be asked to deposit Rs 3809/=

The Govt has every right to recover over payments. The statement sent by you are nothing more than causing confusion. You are once again requested [illegible] Rs 3809/- at an early date.

— Sd —
Asstt. Chief Accounts Officer
EPF

Copy forwarded to:—

[illegible]

[illegible] request to dep. [illegible] Rs 3809/- at an early date. His case has been thoroughly [illegible] amount stated above is due [illegible]. In case he delay the refund the [illegible] interest in GPF A/c.

(2) Accounts officer, Pension Section will be requested that any amount of DCRG is due may be withheld. The official Shri S. [illegible] P. M. Lucknow GPO.

B. 20/11/88 AAO

Yogesh 20/11

[illegible] 20/11/88
Asstt Chief Accounts Officer

S. N. Sinha

True copy attested
R.V. Tewari
R. V. Tiwari
Advocate
High Court
Lucknow Bench
(Reg. No. [illegible]/89)

49-50 (29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. NO. OF 1990

IN RE

S.N. Sinha. Vs. Union of India & others.

ANNEXURE NO. A-9

REGISTERED A/D

10.10.1989

The Accounts Officer,
Provident Fund (General)
Office of Postal Accounts,
542-E, Rai Behari Lal Road,
New Hyderabad, Lucknow.

Dear Sir,

I am in receipt of your letter No. Sa.Ma.Ni. Pra/Ree.Aa -47/90/229 dated 25.8.1989 regarding Provident Fund Account's settlement of my client Sri S.N. Sinha, retired, Deputy Post Master GPO, Lucknow. As desired, I have gone through the Chart (Statement of accounts) which has been forwarded to my client vide your letter dated 26.6.1989.

I am enclosing herewith the statement of Provident Fund Account No. D-34468 of my client for the last 12 years which you had already forwarded to him every year for his information and confirmation. In view of the information already sent by you, your statement of accounts which you forwarded to my client under your letter dated 26.5.89 is evidently wrong and appears to be a fabricated document. By sending a false and manufactured document you are trying to extract Rs. 3401/- from my client whereas actually your department is liable to pay a sum of Rs. 2,753/- to my client. Your demand for a sum of Rs. 3,401/- is illegal and arbitrary.

You are, therefore, requested to remit Rs. 2,753/- plus interest @ 12% per annum to my client within a period of two months from the receipt of this letter failing which my client shall be compelled to take such suitable legal (civil and criminal) action as may be advised, at your risk and cost.

Thanking you,

Yours faithfully,

Encl: as above.

(R.S. PANDEY)
Advocate.

Copy forwarded to Secretary, Department of Communication (Post and Telegraph) Govt. of India, Sanchar Bhawan, New Delhi in continuation to our regd. letter dated June 15, 1989 with the request that immediate orders may kidly be issued to the concerned officers/of officials at Lucknow to remit the above to my client so as to avoid legal proceedings.

S. N. Sinha.

(R.S. PANDEY)
Advocate

True copy attested
R.V. Tiwari
R. V. Tiwari
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. NO. OF 1990

In RE

S.N. Sinha Vs. Union of India & others.

ANNEXURE No- A-9

निम्न संदर्भ दें
In reply
please quote

सेवा में
To Shri R. S. Pandey
Advocate
541, 2nd Street,
Rajendra Nagar, LUCKNOW

क्रम संख्या
No. GPF cell | misc | MB-45 | TR 971

दिनांक
Dated at 20-11-89

विषय
SUBJECT Recovery of overdrawn / overpaid amount of Rs 3809=00 of Shri S N. Sinha, GPF A/c No D 34468 retire on 31-7-88

Kindly refer your letter No- Nil dt. 10.10.89 regarding the minus balance of Shri S.N. Sinha.

In this connection it is for your kind information that an advance of Rs 315/= in the month of 2/76 and final withdrawal of Rs 1440/= was paid to Shri S. N. Sinha in the month of 5/75. This was not incorporated in the D.A. slip of the same year due to some clerical mistake. It was the responsibility of the subscriber also (who was govt servant) that he should have pointed out the mistake on receipt of DA slip for the same year, but the mistake was not pointed out. At the time of final closing of the case the mistake was detected and both advance & withdrawal were taken into the a/c. As such the balance came to (-) 3401:00 which was already intimated to Shri S.N. Sinha vide this office letter No. GPF II / P-V / S.N. Sinha / MB / 848 dt. 9-2-89. detailed calculation sheet have also been supplied to Shri S.N. Sinha vide this office letter No. भ०नि०का०प्र० ग०/II ग० 90/571 dt. 26.5.89.

Hence no amount is payable to Shri S.N. Sinha. On the contrary over payment of Rs 3401/= have been made to S.N. Sinha which is recoverable from him.

Interest was calculated upto NOV. 1988 now a dt. @ 12% is also due from the official which

S.N. Sinha

P.T.O.

S.N.P.P.Lko. 8/88 6,000 Bks

A8 / 22

[illegible] your client [illegible] be asked to deposit Rs 3809/-

The Govt has every right to recover over payments. The statement sent by you are nothing more than causing confusion. You are once again [illegible] Sh S. N. Sinha to deposit Rs 38[illegible]/ [illegible] date.

— Sd —
Asstt. Chief Accounts Officer
EPI

Copy forwarded to :-

[illegible]

(2) [illegible] DCRG [illegible] Shri S. [illegible]

True copy attested

RV Tewari

S. N. Sinha.

AAO

Asstt Chief Accounts Officer

IN THE ... AL AT ALLAHABAD

S2

C.A. ... 1990

...

S... ... v. ... Indi... others.

... - 10

In reply please quote

सेवा में
To
Shri S.N. Simha
172, G.B. Marg
LUCKNOW

क्रम संख्या
No. ~~GPF cell/MB-47/~~ 2069

दिनांक
Dated at 21-2-90

विषय
SUBJECT Recovery of overpaid/overdrawn amount of Rs 3809/= of Shri S.N. Simha, holder of GPF A/c No PTD 34468

Sir,

Kindly refer to your letter dt. 6-1-90 regarding overpaid amount of G.P.F.

In this connection it is reiterated that two advance/withdrawal viz Rs 315/= and Rs 1440/= were received by you in 2/76 and 7/75 respectively, but the same were not taken into account resulting in increasing your GPF balance by Rs. 1755/= at the close of 1975-76.

In brief, whereas the closing balance of your GPF A/c at the close of 75-76 was shown as Rs 2150/= (ignoring the sums of Rs 1440/= + 315/= taken as advance/withdrawal) the actual balance works out to be Rs. 316=00. This, in turn, continued to increase by the same amount as was admissible as per rate of interest in various years.

Consequently to the above fact an overpayment of Rs 3809=00 was made to you which is

S.N. Sinha

True copy attested
R. V. Tewari
R. V. Tiwari
Advocate
L...
(Reg...)

S.N.P.P Lko. 8/88 6,000 Bks

P.T.O.

IN THE CEN... AL AT ALLAHABAD

O.A. ... OF 1990

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In ...

S.... Sin... Vs. Uni... of India & others.

... A-12

REGISTERED/A.D.

Lucknow, Dated : March 22, 1990.

A-12

From : Shri S.N.Sinha,
Dy.Post Master(Retd.)
172 G.B.Marg, Lucknow.

THROUGH : Sri R.V.Tewari, Advocate
Office at 554/37-G/22, Pewanpuri, Alambagh, Lucknow.

To : 1. Union of India through The Secretary, Ministry of Communication(Deptt. of Posts) New Delhi.

2. The Chief Post Master General, U.P.Circle, Lucknow.

3. The Chief Post Master, Lucknow G.P.O.

4. The Director of Accounts(Postal) U.P.Circle, Lucknow.

NOTICE UNDER SECTION 80 CIVIL PROCEDURE CODE.

Dear Sirs,

On behalf and under the instructions of my client Sri S.N.Sinha aforesaid, I give you this notice as follows:

1. That my above named client was/is the subscriber of of GPF A/C No. PTD-34468, controlled and operated by the authorities at serial 3 & 4 aforesaid, by effecting recoveries from the pay and allowances of my client aforesaid, to be accounted for as per schedules required to be maintained and submitted under the Central Govt. G.P.F. Rules.

2. That my client retired on 31.7.1988 on superannuation.

3. That the discrepencies pointed out regarding deposit of Rs.3809/- to meet the minus balance of the GPF A/C aforesaid of my client by the A.O. Sri P.S.Mathur, Office of the D.A.(P) Lucknow, vide his office D.O.No.GPF-11/PB/Minus balance/S.N.Sinha(GPF A/C No.PTD-34468 dt. Dec. 1988, copy endorsed to my client on 3.1.1989 to be readwith the Letter No. GPF Cell/Misc./MB-47/PB 971 dt.20.11.1989 has been satisfactorily complied with by clarifying the position , and also pointing out non-maintenance of A/C correctly at your end ; wherein an outstanding balance at the credit of my client has been shown calculated to the tune of Rs.2759/-plus the interest to be calculated and added @ 12%p.a., w.e.f. 1.4.1988 to the stipulated period of this notice i.e. 60 days from the date of receipt of this notice.

4. Consolidated A/C Sheet annexed to the Letter dt. 26.5.1989 has been found artipulated and incorrect and manufactured with intent to extract Rs.3809/- from my client illegally.

5. That the cause of action arose on 3.1.1989 & 26.5. 1989 on receipt of demand of refund of Rs.3809/-through

contd.. 2.

S. N. Sinha.

... Advocate

L...

aforesaid two seperate communications , and also on 6.3.90 when the Post Master,Lucknow G.P.O., was instructed by the Office of the D.A.(P) U.P.Circle Lucknow, to recover the amount of Rs. 3309/-from my client's emoluments of pension.

6. That as per pension rules and definition of the emoluments D.A.& A.D.A. admissible to the pensioners in shape of relief forms part of the total emoluments of the pension, out of which no recovery could be made without the consent of the pensioner and accord of the President of the Union of India.

7. That after issue of 'No Dues Certificate' non-adjust -ment of any Govt. dues excluding dues towards accommodation is the liability of the department, and as such, my client is inclined to refused payment of the amount of any nature shown as outstanding through the references mailed to my client so far.

8. That through this notice, authorities are requested to arrange payment of the total amount of 2759/-+ interest for the total period w.e.f. 1.4.1988 to the date of actual payment to be calculated @ 12% p.a., within the stipulated period of 60 days ; failing which my client shall be constrai -ned to take legal action in a competent court of law at your costs and consequences, together with damages @ Rs.60/-p.d. plus cost of Rs.75/- of this notice.

Thanking you,

Yours Sincerely

R.V. Tewari

(R.V. TEWARI) 22/3

ADVOCATE.

R. V. Tiwari
Advocate
High Court
Lucknow Bench
(Reg. No. 4791/88)

Lucknow/Dt. 22.3.1990/

S.N. Sinha. R.V. Tewari

55

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. No. of 1990

IN RE

S.N. Sinha Vs. Union of India & others

ANNEXURE A-14

S.N. Sinha
GPF A/C No. PTD 34468
172-Gautam Budh Marg,
Lucknow : 226019

D.O. No. PTD 34468/
S.N. Sinha/F.W. 11/
88-89
Dated : 22.1.1989

Respected Mathur Saheb,

With reference to your D.O. No. GPF II/ P-V/Minus Balance/S.N. Sinha Dated 3rd of Jan 89 Addressed to Sri B.D. Haneja , Post Master, Lucknow G.P.O. and other copy addressed to me, in which it has been directed to deposit by me Rs. 3,401-00 (Rupees Three thousand four hundred and one) in the Government Account to multify the eledged minus balance.

The details of the advances of final with-drawl which resulted in minus entry have not been men--tioned in your D.O. Letter. My G.P.F. subscription @ Rs. 500/- per month and refund of loan @ Rs- 500/- has been paid by me upto May/June 1988 has also not been acknowledged by your end uptill now.

Under the above circumstances I am unable to locate the descripency, hence requesting for early reply in which the details of advances and final with-drawl as well as acknowledgement of my G.P.F. subscrip--tion as mentioned is above para may be mentioned.

With regards,

Yours faithfully,

Sd/-
(S.N. Sinha)

22.1.89.

Sri P.S. Mathur,
Account officer,
O/o The Director of Account postal
U.P. Circle, 542-New Hyderabad,
Lucknow - 226007.

Copy to : Shri L.C. Sinha postmaster Lucknow GPO for information and necy action in the matter to the same under signed from the financial loss.

2. The. D.P.S. Lucknow Region, Lko.

(S.N. Sinha)

True copy attested
R.V. Tewari

R. V. Tiwari

S N. Sinha

A/37

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. No. of 1990

IN - RE

S.N. Sinha Vs. Union of India & others.

ANNEXURE - A - 15

The Chief Post Master General.
U.P. Circle, Lucknow - 226001

Through : Proper Channel

Sub : Wrongful recovery of Rs. 3,401/- as excess payment of G.P.F. money without rendering full and correct account of GPF A/c No. 34463 - S.N. Sinha, Ex- Dy. Post Master, Lucknow G.P.O. :

Ref : Shri P.S. Mathur, A.O. (GPF. Cell) O/o the D.A. (P), U.P. Lucknow D.O. No. GPF-11/P-V/M.B./S.N. Sinha/ 742 dated 3.1.1990 followed by subsequent referen-ces :-

Respected Sir,

The applicant begs to showeth as under :-

1. That while working as Dy. Postmaster, Luck-now G.P.O. the applicant retired from the Govt. Services on 31.7.1988 on superannuation.

2. That on 1.8.1988 the applicant submitted through the Chief P.M. Lucknow GPO application for payment of the accumulations and deposits on account of subscription @Rs 1000/- per month for April 1988, May-88, and June 1988 at the earliest.

True copy attested

R.N. Tewari

S.N. Sinha

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3. That the A.O. (GPF - Cell) O/o the D.A. (P) U.P. Circle , Lucknow inspite of releasing of the authority for payment on the aforesaid amounts , put up demand of refund/deposit of Rs. 3,401/- as excess paid up amount of G.P.F. Money vide his office D.O. letter cited above addressed to Shri B.D. Haneja, Chief P.M. Lucknow G.P.O. and copy endorsed to the applicant.

4. That the applicant by ~~this~~ submitting copies of the sanctioned memos in respect of temporary advance of Rs. 315/- and 525/- dated 5.2.1976 and 20.10.1976 respectively requested the A.O.(GPF-Cell) and the D.A. (P) U.P. Lucknow through the Chief Post Master, Lucknow G.P.O. to scrutinise the account as a whole appropriating and adjusting the entries of debit and credit with a ~~view~~ to provide a full and accurate account to the applicant because the closing balance as per Annual Statement of account for the year 1987-88 is only Rs. (-) 241/- . Photo copy of the said balance sheet for the year 1987-88 is enclosed for your kind perusal.

5. The A.O. (GPF-Cell) O/o the D.A. (P) Lucknow is repeatedly insisting and pressuring upon the applicant to accept their contention that the increase in the minus balance is the result of non-posting of debit entries for Rs. 1,440/- and 315/- drawn and paid upto the applicant as the amount of part -final withdrawl and temporary advance during the year 1974-75 and 1975-76 and the persisting mistakes come out detected only during the course of scrutiny of correctness of the balance at the credit of GPF A/c no. 34468 on receipt of applica-

V. Tiwari
Advocate

S.N. Sinha

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-tion dated 1.8.1988 for final withdrawl of the GPF amount with the result that the minus balance of Rs. 241/- was increased by the amount of Rs. 1,440/- + 315/- i.e. 1,755/- plus interest calculated w.e.f. in the year 1974-75 and 1975-76.

6. That the requests of the applicant that the alleged copy of the ledger is not capable of showing the old entries, application of the debit and credit entries and references of the documents carrying such amounts stated to have been left un-posted irrespective of the schedules submitted regularily by the Chief P.M. Lucknow G.P.O. and application for temporary advances dated 10.2.1976 and 20.10.76 clearly showing the calculation of balances for such temporary advan--ces after excluding the amount of part final withdrawl of Rs. 1,440/- and amount of Rs. 315/- towards temporary advance dated 10.2.1976 and also the manner as to how these debit entries have been adjusted to arrive at a correct balance due to the applicant and also the sanctions of these temporary advances were in order as per balance at the credit of the applicant to meet the sanction issued.

7. That in contravention of the rules and acts prescribed the A.O. concerned is not ready

S.N. Sinha

contd.. 4/

to arrange investigation by affording the applicant opportunity to point out the erroneous entries or ommission and as such the A.O. is not inclined to discharge his obligations issue forth on this score.

P R A Y E R

WHEREFORE, it is prayed that the A.O. (GPF-Cell) office of the DA(P), U.P. Circle, Lucknow may very kindly be instructed to the procedural rules prescrined and the applicant be supplied with a copy of full and correct amount of his GPF A/c no. 34468 at the earliest by :-

(a) Arranging for investigation into the transactions of the GPF Account no. 34468 by affording opportunity to impeach the erroneous entries for adjustment purposes.

(b) Placing orders to issue the requisit authority to cause payment of Rs. 2,753/-as the amount payable to the applicant at the earliest.

For this act of your kindness the applicant will remain grateful for ever and ever.

With all due respect.

Yours faithfully,

Sd/-

(S.N. Sinha) GPO

Retd. Dy. PM,

Dt : 15.6.89

S. N. Sinha

60

at
172-Gautam Budh Marg,
Lucknow.

Copy to :

(i) The A.G. (GPF-Cell),
542-New Hyderabad, Lucknow.

(ii) The D.A. (P), U.P., Lucknow

(iii) The Chief P.M. Lucknow, U.P.

True copy attested

S.N. Sinha.

R.V. Tewari

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. NO. OF 1990

In RE

S.N. Sinha Vs. Union of India & others.

ANNEXURE No- A-18(a)

1637 A.D.

R. P.-51 (a)

Stamps affixed except in case of uninsu- Rs. P. red letters of not more than the initial Date-Stamp weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due. 6-10

Received a V. P. Registered*

addressed to

Signature of Receiving Officer

Insured for Rs. (in figures) (in words)

Insurance fee Rs. P. (in words) weight rates grams

R. P.-51 (a) 6.10

No. 379 Stamps affixed except in case of uninsu- Rs. P. red letters of not more than the initial Date-Stamp weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Received a V.P. registered* AD

addressed to The Accounts Officer Provident Fund (General) O/o Postal Accounts 542E, Rai Behari Lal Road. Lucknow

*Write here 'letter' 'parcel' or 'railway receipt'

Sig. of Receiving Officer with the word 'insured' before it when necessary.

To be filled in only when the article is to be insured; otherwise to be crossed out by means of two diagonal lines.

Insured for Rs. (in figures) .... (in words) ....

Insurance fee Rs. .... P. .... (in words) weight rates grams

R. P.-51 (a)

No. 380 Stamps affixed except in case of uninsu- Rs. P. 6.10 red letters of not more than the initial Date-Stamp weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Received a V.P. registered* AD

addressed to The Secretary, Deptt of Communications (P&T) Govt of India Sanchar Bhawan New Delhi

*Write here 'letter' 'parcel' or 'railway receipt'

Sig. of Receiving Officer with the word 'insured' before it when necessary.

To be filled in only when the article is to be insured; otherwise to be crossed out by means of two diagonal lines.

Insured for Rs. (in figures) .... (in words) ....

Insurance fee Rs. .... P. .... (in words) weight rates grams

S.N. Sinha

Advocate

High Court

Lucknow

62 (48/73)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. No. OF 1990

In RE

S.N. Sinha Vs. Union of India & others.

ANNEXURE NO. A-16

The D.G. Posts,
New Delhi.

Through : The Chief P.M.G., U.P. Circle, Lucknow

Ref : A.O. (GPF-Cell) O/O The D.A. (P), U.P. Circle Lucknow No. GPF-II/P.V./M.R./S.N. Sinha/741 dated 3.1.1989 and again dated 8.1.1990

Sir,

The representation showeth as under :-

1. That the applicant was working as Dy. Post Master G.P.O. and retired on 31.7.1988 on superannuation.

2. That he was holder of GPF A/c no. 34468 and as such he applied for final withdrawl on 1.8.1988. The A.O.(GPF Cell) through his office D.O. letter dated 3.1.1989 demanded refund/repayment of Rs. 3,401/- being amount of over payment of GPF money relating to the amount of part -final withdrawl of Rs. 1440/- and Rs. 315/- towards temporary advance relating to the year 1974-75 and 1975-76.

3. The applicant thereupon requested to supply correct and full account showing adjustments of debit and credit item to item as he has not been supplied with annual statement or accounts prior to the year 1977-78.

S.N. Sinha

.... 2/

63 8/34

4. That after a series of reference ~~s~~ exchanged, the A.O. (GPF-Cell) without elucidating the adjustment of debit and credit supplied with a newly written up. ledger copy incorporating the entries of Rs. 1440/- and Rs. 315/- with interest calculated right from the year 1974-75 thereby leaving to clue to the deficiency and erro--neous entries left back and subsequently amolgmated to make the impeachment of the irregularities impossible.

5. That the applicant challanged the account so stated to have been the alleged entries of ledger after effecting the alleged amount of Rs. 1755/- with interest calculated right from the year 1974-75 arbitrarily because supply of few entries without supporting vouchers is actually no account ~~but~~ and of no avail.

6. The applicant to state the facts contrary to the one already claimed furnished ~~accordance~~ con of account in confirmities with the Annual Statement of accounts available i.e. w.e.f. 1977-78 to 1987-88 and reque-st to repay the amount of Rs. 2,753/- with all benefits without further delay.

7. That the A.O. concerned re diated performances of his obligation envisaged under G.P.F. (s) Rules 1972 and also without adjudicating the period of limitation applicable to the claim of the ~~Opp. Party~~ refund and also protection provided vide Act 3 (1) of Provident Fund Act 1925 issued letter dated 8.1.1990

R. V. Tiwari
Advocate
Court
Lucknow Bench

S. N. Sinha

64 17 (a) 25

Lucknow GPO D 34468/128/89-90

received under CPM, UP. No. ^ dated 6.3.1990 to recover the aforesaid amount of Rs. 3,809/- from the emoluments of pension which is hit by the Article 14., 16 and 21 of the Constitution of India.

8. That the whole claim is bad for laches.

9. That the applicant moved the D.A.(P) U.P. Circle, Lucknow and the C.P.M.G. , U.P. Lucknow with a request to instruct the authorities concerned not to proceed with the recovery of the alleged amount without ~~gx~~ giving opportunity to the applicant to p point out and impeach the irregularities or under due course of law but these authorities preferred to keep mum and as such their decision is still not to come.

10. That to mitigate the un-certainly and also to release the amount of pension held up w.e.f. March 1990 without levy of any charge since to provide bread and butter to his dependents is the first and formost need of the applicant for their being alive , the applicant se ved these authorities with notice U/s 80 C.P.C. in reply of which these autho -rities reiterated their previous contention with no result except their further threats to lanch Civil suit to proceed with recovery of these ~~enese~~ amoun as land Revenue.

PRAYER

For the facts and circumstances of the case, it is prayed that the A.O. (GPF-Cell) Chief PM, Lucknow G.P.O. and the Chief P.M.G. U.P.

D. N. Tiwari
Advocate

S. N. Sinha

....4/

Lucknow may kindly be instructed by issue of orders :-

(1) To release the payment of pension held up w.e.f. March 1990, without any charge as the claim is not sustainable and barred by time.

(2) To render correct and upto date complete account and to provide opportunity to the applicant to impeach the account on the basis of discrepencies.

(3) To set aside the orders of the A.O. (GPF-Cell) dated 8.1.1990 and the Chief PM, Lucknow G.P.O. dated 6.3.1990 regarding recovery of Rs. 3,809/- from the emoluments of pension and that's too without consent of the applicant and accord on the Hon'ble President of Indian Union.

For this act of your kindness, the applicant and his dependents will remain grateful.

Dated : 6.1.1990

Yours faithfully,

Sd/-

(S.N. Sinha)
Dy. P.M. (Retd)
Lucknow GPO at 172-
G.B. Marg, Lucknow.

True copy attested

Copy to : D A (P) U.P., Lucknow.

A.O. (GPF-Cell) 542 -E Rai Behari Marg, New Hyderabad, Lucknow.

C.P.M.G., U.P., Lucknow.

S.N. Sinha

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. NO. OF 1990

In re

66

A/52

S.N. Sinha Vs. Union of India & others.

ANNEXURE NO- A- 16(a)

6-50

1 CAD

The Director of Accounts (Postal)

U.P. Circle New Hyderabad

Lucknow

19/6/89

Signature of Receiving Officer

700

6-50

1 CAD

The Union of India

Department of Communication

(P&T) Govt. of India

New Delhi

19/6/89

Signature of Receiving Officer

R. V. Tiwari

Advocate

High Court

Lucknow Bench

S. N. Sinha

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. NO. OF 1990

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In

S.N. Sinha Vs. Union of India & others.

A- 16(b)

प्राप्त स्वीकृति (रसीद) ACKNOWLEDGMENT 12

*एक रजिस्ट्री/बीमा पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ क्रमांक/No. 22.3.91

*Received a Registered/Insured Letter/Postcard/Packet/Parcel

पाने वाले का नाम Addressed to (name) The Chief Post Master Lucknow G.P.O. Lucknow

†बीमे का मूल्य (रुपयों में) †Insured for Rupees

वितरण की तारीख/Date of delivery..............198

*जो आवश्यक न हो काट दिया जाए। *Score out the matter not required

†केवल बीमा वस्तुओं के लिए †For Insured articles only

Lucknow G.P.O. 22

पाने वाले के हस्ताक्षर/Signature of addressee

प्राप्त स्वीकृति (रसीद) ACKNOWLEDGMENT 16

*एक रजिस्ट्री/बीमा पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ क्रमांक/No. 22.3.91

*Received a Registered/Insured A/D Letter/Postcard/Packet/Parcel

पाने वाले का नाम Addressed to (name) Union of India through Secretary, Ministry of Communication (Deptt of Postal New Delhi

†बीमे का मूल्य (रुपयों में) †Insured for Rupees

वितरण की तारीख/Date of delivery..............198

*जो आवश्यक न हो काट दिया जाए। *Score out the matter not required.

†केवल बीमा वस्तुओं के लिए †For Insured articles only

Posts New Delhi

पाने वाले के हस्ताक्षर/Signature of addressee

प्राप्त स्वीकृति (रसीद) ACKNOWLEDGMENT 11

*एक रजिस्ट्री/बीमा पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ क्रमांक/No. 22.3.90

*Received a Registered/Insured Letter/Postcard/Packet/Parcel

पाने वाले का नाम Addressed to (name) The Post Master General U.P. Circle Lucknow

†बीमे का मूल्य (रुपयों में) †Insured for Rupees

वितरण की तारीख/Date of delivery..............198

*जो आवश्यक न हो काट दिया जाए। *Score out the matter not required

†केवल बीमा वस्तुओं के लिए †For Insured articles only

FOR POSTMASTER GENERAL U.P. CIRCLE

पाने वाले के हस्ताक्षर/Signature of addressee

R. V.

Advocate

High Court

Lucknow Bench

S. N. Sinha.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow
****

No. CAT/Alld/Jud/ 1045-40 dated the ________

Registration No. 912 of 1990 (L)

________________ APPLICANT

VERSUS

________________ RESPONDENT

To

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed ________ day of ________ 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself your pleader or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this ________ day of ________ 1990.

DEPUTY REGISTRAR

******

C/C

Central Administrative Tribunal
Circuit Bench Lucknow

O. A. No. 212 of 1990 (L)

Anoop Narain Sinha .... Applicant.
Versus
Union of India (Postal) .... Respondents.

23.7.1990.

Hon'ble Mr. Justice K. Nath, V.C.

Hon'ble Mr. K. J. Raman, A.M.

Admit.

Issue notice. Counter may be filed within weeks, rejoinder within one week thereafter. In the matter of interim relief issue notice and list for order on 27.8.1990.

Sd/ Sd/
A.M. V.C.

Checked
Sd
27/7/90

True Copy //

Copy to
R. V. Desai
Advocate
For Applicant

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A.NO. 212 of 1990(L)

S.N. Sinha	....	Applicant
	Versus	
Union of India	....	Respondents

09.11.1990.

Hon'ble Mr. M.Y. Priolkar, A.M.

Hon'ble Mr. D.K. Agrawal, J.M.

These two applications have been preferred after the judgement in O.A. No. 212/90 Swarup Narain Sinha-vs- Union of India dated August 31, 1990 purported have been made under rule 24 of the Central Administrative Tribunal (Procedure Rules), 1987. We have given our careful consideration. We are of the opinion that rule 24 does not empower the Tribunal to issue any clarificatory order after final judgement. The provisions of rule 24 (supra) are applicable to the proceedings pending before the Tribunal. In view of this the M.P.S are liable to be dismissed. however, before we part, we want to make it clear that in terms of our order passed in O.A. 212/90 the applicant shall not be charged interest on the principal amount of Rs. 1755. Therefore we have no doubt in our mind that the competent authority will pass suitable orders for payment of the dues of the applicant, if any in terms of our judgement in the case afore mentioned where in we have clearly held that the applicant is only liable to pay the principal amount of Rs.1755/- and that no interest is payable by the applicant thereon. It, thus, leads to irresistable inference that the applicant is to be paid by the competent authoritie dues if any outstanding in his GPF account on the date of his retirement. The two MPs are accordingly disposed of.

(Mohd. Umar Khan)
Court Officer,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.

Sd/-	Sd/-
J.M.	A.M.

// True Copy //

Ms/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

M.P.NO. 515 of 1990(L)

Application to oppose Interim Relief

Union of India and others .... Applicant

In

M.P.No. 445/90

(O.A.No. 212 of 1990(27)

Swaroop Narain Sinha V/s Union of India & others

****

To,

The Vice Chairmen and his other companion members of the aforesaid Tribunal.

The humble application of the above named applicant most respectfully showeth:-

1. That full facts and circumstances of the case have been indicated in the accompaying affidavit.

2. That for the facts and circumstances mentioned in the accompaying affidavit, it is expedient in the interest of justice that the accompaying affidavit may be brought on record and the application for interim relief may be dismissed with costs.

PRAYER

Wherefore, it is respectfully prayed that this Hon.Tribunal may kindly be pleased to admit the accompaying affidavit and to dismiss the application for Interim Relief with costs.

D. Chandra

Dated:- 25-10-9.

(Dr.Dinesh Chand)

Counsel for Opp.Parties.

X.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,

CIRCUIT BENCH, LUCKNOW.

AFFIDAVIT

In

M.P.No.445/90(2)

(O.A.212 of 1990(2)).

1990 AFFIDAVIT 8 M DISTT. COURT U.P.

COURT FEE TWO RUPEES

Swaroop Narain Sinha .... Applicant

V/s

Union of India & Others................. Opposite Parties.

****

I, G.D.Joshi, aged about 56 years, son of Late Shri A.D.Joshi, Asstt.Chief Accounts Officer, General Provident Fund, Office of the Director Postal Account, U.P.Circle, Lucknow do hereby solemnly affirm and state as under:-

27.8.90

1. That the deponent has read the application for interim relief filed by Shri Swaroop Narain Sinha and has understood the contents thereof. He is well conversent with the facts of the case deposed hereinafter.

27.8.90

Chief Accounts Officer ... Hyderabad, Lucknow

2. That it will be worth while to give brief history of the case as under:-

BRIEF HISTORY OF THE CASE

Shri S.N.Sinha, ex.Dy. Post Master, Lucknow G.P.O. was appointed and joined General Provident Fund A/C in the year 1962-63; he was allotted G.P.F A/C No.P.T.D.-34468 by the Director of Audit & Accounts, Delhi. The detailes of credit/debit in respect of his A/C No.P.T.D.-34468

Contd..2/-

were maintained by Director Audit & Accounts, Delhi upto 72-73 and thereafter by Director Postal Accounts, Lucknow. The yearwise G.P.F. deposit accounts slips were issued to the applicant by the above offices upto the year 1987-88.

Shri S.N.Sinha retired from service on 31-7-1988. The case for final payment of his G.P.F. was sent by Post Master, Lucknow G.P.O. on 19-8-88 vide No.E/वेतन / भ.नि. / अभिदान भुगतान /P.T.D.34468/88-89 dt. 19-8-88. Thorough scrutiney of his G.P.F. account revealed an excess payment of Rs.3401/- (after taking into account the amount of interest upto November 1988)

This minus balance of Rs.3,401/- in his G.P.F.account was due to the facts that G.P.F. withdrawal of Rs.1440/- sanctioned in the months of 7/75 vide Order No.N.B.-170/G.P.F./Final withdrawal & G.P.F.Advance of Rs.315/- paid vide order No.B.N.121 dt.2/76 were not accounted for in his G.P.F. A/Cs at the time of issuing of Annual G.P.F.Slips. These two advances were, therefore, accounted for at the time of final payment resulting in the balance of G.P.F.coming to minus Rs.3,401/-.

27/8/90

27.8.90

Chief Accounts Officer

Shri S.N.Sinha, was required to check the correctness of the balance vide rule 39(2) of G.P.F. (C.S.)rules and intimate the mistakes to the Accounts Officer,G.P.F. for corrections within three months from the date of receipt but he could not do so, which shows malafide intention of the applicant. Shri S.N.Sinha never pointed out the inaccuracies in his G.P.F. account on account of which yearly G.P.F.account slips with wrong balances continued to be sent to him. Shri Sinha knowingly managed to withdraw Rs.17,960/- from his G.P.F. during the

Contd...3/-

year 1987-88 as detailed below and this playing fraud on the Government:-

Rs. 4,960/- in 4/87

Rs. 500/- in 7/87.

Rs. 500/- in 12/87.

Rs. 12,000/- in 3/88.

~~Which~~ This resulted in minus balance in his G.P.F. account. Fraud vitiates all transactions & the pensioner can not be allowed to retain the advantage which he has secured by playing any fraud or misrepresentation. Director Postal Accounts, Lucknow contineously requested him to deposit the overdrawn money vide this office letters mentioned below:-

1. G.P.F.II/P-V/M.B.-S.N.Sinha dt.9-5-89.
2. G.P.F.Cell/M.B.recovery/571 dt.26-5-89.
3. G.P.F.Cell/M.B.recovery/229 dt.25-8-89.
4. G.P.F.Cell/M.B.recovery/226 dt.23-8-89.
5. G.P.F.Cell/Misc./M.B.47/970 to 972 dt.23-11-89.
6. G.P.F.Cell/M.B.47/2069 dt.21-2-90.

27/8/90

The applicant was supplied with detailes of his G.P.F. account from the year 1973 to the date of his retirement vide this office letter No. G.P.F.Cell/M.B.recovery/571 dt.26-5-89 with the instructions to bring to the notice of the department in case there was any mistake. Further it is submitted that the applicant has himself stated in para 16 of the claim petition that he is willing to repay the excess amount of Rs.1755/- (1440 + 315) but he is not willing to pay the interest which has accrued on the said amount.

27-8-90
Asstt. Chief Accounts Officer

Contd...4/-

When Shri Sinha refused to deposit the excess amount of Rs.3401/- paid to him toward his G.P.F., the same was ordered to the recovered from his dearness relief by the Director Postal Accounts, Lucknow in accordance with Government of India, Ministry of Finance O.M.No.718/E.V.A. dt. 7-2-78 and D.G.P&T Letter No.4-4/78-T.A. dt.28-3-78 which inter allia lays down that the pension relief is not covered by pension act and there may be no objection to recover Govt. dues from pension relief without consent of the pensioner.

<u>Para-wise comments.</u>

3. That the contents of para 1 of the application for interim relief need no comments.

27/8/90

4. That in replies to para 2 it is stated that the Chief Post Master, G.P.O. Lucknow informed vide his letter No.E/[illegible]/G.P.F./Minus-Balance/S.N.Sinha/A&C.N/D-34468/60/90-91 dt.27-6-90/6-8-90 that ShriS.N. Sinha has not taken his pension payment w.e.f. 1-1-90. The Chief Post Master, G.P.O. Lucknow has never refused to make payment of the pension amount to the applicant.

27.8-90

5. That the contents of para 3 are false and hence denied. It is, however ~~hoever~~, submitted that withdrawals amounting to Rs.1755/-(Rs.1440 + 315) were not accounted for in the G.P.F. account of the applicant in the year 1975-76. The said amount increased ~~inexcessed~~ to Rs.3,401/- after adding the interest on the said amount upto November 1988. This amount will further increase as the amount of interest will go on increasing till the applicant pays back the excess amount which was paid to him towards his G.P.F. The applicant was requested to

Contd...5/-

deposit the excess amount paid vide letter No.G.P.F.Cell/S.N.Sinha/M.B.47/296 dt.30-5-90.

The applicant was furnished details of year-wise account of his G.P.Fund vide letter No.G.P.F.Cell/M.B.recovery/571 dt.26-5-89. However, details of G.P.F. account of the applicant for 1973-74 to November 1988 are being filed as Annexure R-IA-1.

6. That in replies to para 4 it is stated that the G.P.F. subscription @Rs.500/-per month from 1-4-66 to 31-6-66 and the amount of interest accruing thereon has already been taken into account, while finalising the total G.P.F. amount admissible to the applicant. The final account of the applicants' G.P.F. shows a balance of Rs.minus 3,401/- at the end of November 1988 (Annexure R-IA-1)

27.8.90

Asstt. Chief Accounts Officer

Deponent

27-8-90

Asstt. Chief Accounts Officer

-: VERIFICATION :-

I, the above named deponent do hereby verify that the contents of paras 1 & 3 are true to the best of my knowledge and those of paras 2, 4, 5, 6 are based on record & legal advice. No part of it is false and nothing material has been concealed. So help me God.

Signed and verified 27 day of Aug 1990

at Lucknow.

Lucknow;

Dated; 27/8/90

27-8-90

DEPONENT.

Asstt. Chief Accounts Officer

I identify the deponent who has signed before me.

27/8/90

ADVOCATE.

M.P. No. 445/9[illegible] (2)

O A No. 212/9[illegible]

Annexure R-IA-1

Swaroop Narain Sinha v/s Union of India & others

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL), U.P. CIRCLE,
542-E-RAI BIHARI LAL ROAD, NEW HYDERABAD, LUCKNOW-226007.

CALCULATION SHEET OF THE G.P.F. AMOUNT PAYABLE ON DEATH/DISMISSAL/RESIGNATION/RETIREMENT.

1. Name of Subscriber: Shri [illegible]
2. G.P.F. Account No. FT/ [illegible]
3. Date of event Retirement/Death/ [illegible]
4. Month upto which Intt. Allowed [illegible]
5. Whether the amount from 1-4-73 has been received in detail and found in order (in case of posting whether checked with schedules/vouchers).
6. Closing balance as on 31-3-73 as certified list of balance & [illegible] from [illegible], Delhi.

Year 1973-74
O.B.Rs. 39[illegible]
D&R.Rs. 125=00
Intt.Rs. [illegible]
Total.Rs. [illegible]
W/D.Rs. [illegible]
C.B.Rs. [illegible]

Year 1974-75
O.B.Rs. [illegible]
D&R.Rs. [illegible]
Intt.Rs. 28=[illegible]
Total.Rs. [illegible]
W/D.Rs. [illegible]
C.B.Rs. [illegible]

Year 1975-76
O.B.Rs. [illegible]
D&R.Rs. 375=[illegible]
Intt.Rs. [illegible]
Bonus.Rs. [illegible]
Total.Rs. 2.71[illegible]
W/D.Rs. 175[illegible]
C.B.Rs. [illegible]

1976-77
O.B. [illegible]
D&R. [illegible]=00
Intt. 29=00
Bonus. [illegible]
Total [illegible]
W/D. 225=00
C.B. [illegible]

1977-78
O.B. [illegible]
A.D.A. [illegible]
A.I. [illegible]
Net O.B. [illegible]
D&R. [illegible]
Intt. (-) [illegible]
Total. [illegible]
W/D. [illegible]
Bonus. [illegible]
C.B.(-) [illegible]

1978-79
O.B. (-)339[illegible]
D&R. [illegible]
Intt. (-) [illegible]
Total. 11[illegible]
W/D. [illegible]
Bonus. [illegible]
C.B.(-) [illegible]

1979-80
O.B.(-) [illegible]
D&R. [illegible]
Intt.(-) 31=00
Total. [illegible]
W/D. 1716=00
Bonus. [illegible]
C.B.(-) [illegible]

1980-81.
O.B.(-) [illegible]
D&R. [illegible]
Intt.(-) [illegible]
Total. [illegible]
W/D. [illegible]
Bonus. [illegible]
C.B. [illegible]

1981-82.
O.B. [illegible]
D&R. [illegible]
Intt. [illegible]
Total. [illegible]
W/D. [illegible]
Bonus. [illegible]
C.B. [illegible]

Contd....2/-

27/8/96

R.KUMAR
0604019 89*

[illegible], it [illegible] [illegible] to reject [illegible] by the opposite party with cost [illegible] prayed for [illegible] parties are [illegible] and just.

[illegible]
Dated: [illegible]-30.[illegible]

R.V. Tewari 30/8
([illegible])
[illegible]

R. V. Tiwari
Advocate
High Court
Lucknow Bench
(Reg. No. 4701/08)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

C.M. A. No. 445/90 (L) of 1990

In re

O.A. No. 212/90 (L) of 1990

1990
AFFIDAVIT
17
HIGH COURT
ALLAHABAD

TWO RUPEES

Swaroop Narain Sinha (S.N. Sinha) .... Applicant

Vs.

Union of India & others .... Opp. Parties

A F F I D A V I T

OBJECTION AGAINST THE APPLICATION TO OPPOSE THE INTERIM RELIEF FILED BY OPPOSITE PARTY No. 3, A.O. (G.P.F. - CELL) 542-E RAI BEHARI LAL ROAD, NEW HYDERABAD, LUCKNOW BY MEANS OF AFFIDAVIT FILED ON 27.8.1990 :

I, Swaroop Narain Sinha (S.N. Sinha), aged about 60 years, Son of Late Laxmi Narain Sinha, resident of 172-G.B. Marg, Lucknow, Ex-Dy. P.M., Lucknow G.P.O. do hereby solemnly affirm and states as under :-

1. That the applicant-deponent is the applicant in the aforesaid case including the application for Interim Relief filed and is well conversant with the facts and circumstances of the case deposed herein under.

S.N. Sinha

2. That the facts narrated in sub-para 1 of para 2 under head- BRIEF HISTORY OF THE CASE - need no comments except that no year wise

.... 2/

[illegible]alance [illegible] [illegible] [illegible] [illegible] [illegible] 3436 – – [illegible] [illegible] [illegible] [illegible] the deponent [illegible] the year 1977-78 [illegible] contravention of Rule 39 [illegible] (CL), Rules, 1960 [illegible] the opp. [illegible] [illegible] strict proof.

3- The facts and contentions [illegible] [illegible] as narrated in sub-para [illegible] [illegible] [illegible] of the case [illegible] para [illegible] [illegible] discretionary [illegible] [illegible] the [illegible] [illegible] – [illegible] [illegible] [illegible] 34 [illegible] [illegible] [illegible] (CC) Rule, 1960 [illegible] [illegible] decision [illegible] [illegible] Secretary of [illegible] [illegible] [illegible] No. 13/3/[illegible] dated [illegible].1985, the opp. party No. 3 [illegible] [illegible] [illegible] [illegible] the hardship [illegible] [illegible] [illegible] applicant-deponent [illegible] [illegible] [illegible] the proce- -dural [illegible] [illegible] [illegible] the depo- -nent [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 3136 [illegible] [illegible] [illegible] -ding [illegible] [illegible] [illegible] [illegible] of [illegible] [illegible] [illegible] 3,[illegible]1/- [illegible] [illegible].

4. [illegible] facts [illegible] para [illegible] of the affidavit [illegible] by the Opp. Parties are false and [illegible] [illegible]. The O.P. [illegible] [illegible] 3 vide [illegible] -7 of [illegible] No. 317/96(L) [illegible]

S.N. Sinha

29/8/[illegible]

[illegible] already computed [illegible] the amount of tempora-
-ry withdrawals of Rs. 315/- [illegible]
with interest [illegible] accordingly
[illegible] 3447/- [illegible]
[illegible]
[illegible] A/c [illegible] 34468 [illegible]
[illegible]
[illegible] the year 1975-76 , thus , the process of
deli[illegible] [illegible] Rs. [illegible]/- [illegible] Rs. 315/- [illegible]
Get [illegible] minus by Rs. 3,401/- at the
credit of [illegible] A/c no. 34468 is not correct
rather maintainance of account err neously.

29/3/90

5\. That averments of para 4 of para 2 of the application/affidavit filed by the Opposite Party no. 3 is not correct rahter misconstrued because statues and rules should be read as a whole and inference drawn adversely by reading a part of the relevent rules or statues could not be [illegible]. Accordingly Rule 39 (1) to 39 (5) [illegible] Government of India's decision [illegible] 27 (3) [illegible]
(b) [illegible] 24.4.1972 should be read together [illegible] conclusion that the [illegible] the Opposite Party no. 3 [illegible] to discharge [illegible] obligations [illegible] required standard [illegible] he is not [illegible] to use [illegible] the applicant/depponent.

S. N. Sinha

[illegible] version [illegible] the deponent reserves [illegible] derogatory [illegible] objections [illegible] court [illegible] appropriate [illegible]

[illegible] affidavit filed by [illegible] no. 3 were made through [illegible] counsel [illegible] and orders of [illegible] by the [illegible] Lucknow, [illegible] 4 [illegible] as required [illegible] rule 12 [illegible] 12 (12)- [illegible] service, 15- [illegible] 16- [illegible] such [illegible] representation [illegible] strict [illegible].

[illegible] 1 to 6 [illegible] sub-para 5 of [illegible] affidavit filed by [illegible] party no. 3 [illegible]

S. N. Sinha

6. That the contentions of sub-para 6 of para 4 is misconstrued and denied. The willingness to refund the alleged amount of Rs. 1755/- (1440/- + 315) was/ is subject to furnishing of correct and reliable account after carrying out the investigation into the discrepencies in the presence of the deponent, but the account pertaining to G.P.F. A/c no. 344688- S.N. Sinha-as maintained and communicated by the Opp. Parties is unreliable as has been sustained by the examples narrated in the original applica- -tion.

7. That the contention of sub-para 5 of para 2 of the affidavit filed by the Opp. Party no. 3 is miscons- -trued in view of the act 4 3 (i) (ii) of the PROVIDENT FUND ACT, 1925 which interalia lays down that a compulsory deposit in any Govt. or Railway P.F. shall not in any way be liable to attachment and capable of being assigned or charged etc. hence denied specifically.

24.8.95

The difinition of dearness relief as quoted under Govt. of India, Ministry of Finance .... No. 718/IV. dated 7.2.1978 and DOP ... letter no. 4-4 /78 ... dated 28.3.1978 does not apply to the recovery of any over [illegible] excess payment of [illegible] money rather such reliefs, if any, are to be exclude -d while emoluments are taken to justify the bills of Travelling allowances.

S.N. Sinha

More over., these communications are simply executive /administrative order and can not [illegible] the statutory acts.

Further definition spells [illegible] on the part of administrative authorities [illegible] nexus of the public interest and as such is [illegible] article 14 and 16 of the Constitution of India

----, -------- - --

as an attempt tp nullify the Govt. of India's decision at para 6 issued under the G.I. D.P. & A.R. O.M. No. F-16 (2)- pension Unit/82 dated 21.12.1982 which provides that responsibility for over payment should be fixed and action taken both against Adminis--trative and Accounts Authority .

As such the difinition quoted is not sustainable and liable to be declared as ultra -vires.

Further definition is also in contra--vention of the one provided in Art. 366 (17) of C.S. Acts. While threaling with the recovery of excess payment of General Provident Fund made to pensioner sought to be recovered from pensioners' relief. The Hon'ble Tribunal, Central Administrative Bench, New Delhi , in case - SRI [illegible] ...Vs.. UNION OF INDIA & OTHERS - registered no. 48 of 1986 decided on 24.12.1986 reported (1987) Administrative Tribunal cases 545 has held that the relief covered by difinition of pension hence recovery can not be made from it unless requirement of Disc. proceedings under Rule 9 (1) are satisfied the Govt. of India , Ministry of Finance clarification in O.M. No. 71?-IV ( ) dated 7.2.197? over rule. In view of Provident Funds Act, 1925, Section 3 (1) of Pension Act 1871 etc.

S. N. Sinha

held not attracted in this case.

The Hon'ble Tribunal has further held that dispute regarding recovery of excess payment of G.P.F. fund from pensioner's relief is covered by difinition of (Service matters) as defined U/s 3 (q) (1) of Administrative Tribunal Act 1985.

Further in this case, the applicant Deponent is not accused of playing any fraud or misrepresentation. If at all, a mistake was committed it was in the office of the ... (G.P.F. Cell), O.P. Party no. 3 maintaining the G.P.F. Account of the deponent for which the deponent can not be held responsible. The withholding of pension for recovery of the excess payment of G.P.F. money ... by the Chief Post Master, Lucknow ..., the Opp. Party No. 4 is therefore, illegal.

8. The Hon'ble Tribunal, Principle Bench, New Delhi has further held in case- ... SHARMA --Vs. ... , registered no. 1871 of 1987 decided on 18.7.1988 reported (1988) Administrative Tribunal cases, 26, that relief in pension in ... of basic ... recovery of Govt. dues like excess payment of G.P.F. money can't be affected. ... 71 ... (1) ...

S.N. Sinha

: 8 :

1978 which authorises such recovery without following procedure prescribed in CCS (Pension) Rules, 1972- Rule 9 being contrary to provision -s - is invalid.

[illegible] principles and facts involved are being mentioned as under :-

(i) Pension Act 1871 Section 11 refers to.

(ii) CCS (Pension Rules), 1972-Rules 3 (1) (a), (d), 3 (1) (ii), 71 (3) 72 and 73 refers to.

(iii) Constitution of India Art. 366 refers to.

9. That for the facts and circumstances stated above, the application filed by the opp. party no. 3 to [illegible] the interim relief prayed for by the applicant is not maintainable and liable to be rejected.

10. Contents of para 8 under head-parawise comments of the affidavit filed by the opp. party no. 3 needs no comments.

11. Contents of para 9 of the affidavit filed by opp. party no. 3 is not correct hence denied.

The payment of pension payable and due w.e.f. 1.1.19[illegible] till date has been withheld by the Chief [illegible], Lucknow [illegible] on account of the orders [illegible] opp. party no. 3 to recover [illegible] [illegible] w.e.f. [illegible]

S. N. Sinha

...9

from the relief [illegible] payable to the deponent [illegible] the relief is a necessary [illegible] of pension, but of [illegible] recovery [illegible] effect-ed except as provided under the rules of CCS (Pension) Rules, 1972.

12. The contents and [illegible] narrated in para 5 of the affidavit filed by the Opp. Party no. 3 are false, [illegible] and misleading hence denied.

The correct position may be stated that amount of advance of Rs. 315 out of Rs. 1755/- has already been acknowledged by the Opp. Party no. 3 as recovered with interest and further advances have been sanctioned by the Competent Authority i.e. the Chief Post Master Lucknow G.P.O. after deducting Rs. 1440/- from the balance cal-culated at the credit of the deponent on the date of each and all applications submitted for such purposes and as such making of further debit entry does not arise at all. And the amount of Rs. 3,401/- shown as excess payment of G.P.F. money including [illegible] upto [illegible] 1988 is not sustainable [illegible] furnishing the correct and [illegible] by the Opp. Party no. 3.

S. N. Sinha

... 10

The compliance of request as per letter dated 30.5.1[illegible] was correctly refused by the deponent because the contents of aforesaid letter were merely repetitions of the amounts [illegible] claimed by issue of previous letters by Opp. Party no. 3.

The yearwise accounts submitted by the Opp. Party no. 3 as claimed on 26.5.89 has been countered by submission of detailed concordance of accounts as per annual balance sheets supplied to the deponent by the Opp. Party no. 3 and as such the claim of Opp. Party no. 3 on the basis of the aforesaid yearwise accounts [illegible] hence denied.

28.8.90

That the facts narrated in para [illegible] of the affidavit filed by Opp. Party no. 3 is [illegible] and as such denied.

The correct position [illegible] is that the interest of Rs. 5400/- [illegible] 1985-86 [illegible] has been shown no where credited [illegible] the deponent. The enclosure annexed [illegible] affidavit filed by Opp. Party no. 3 [illegible] study with the help of the recoveries of subscriptions, submission of schedules by the Chief [illegible] Opp. Party no. 3 [illegible] annual balance sheets [illegible] supplied to the deponent [illegible]

S N Sinha

[illegible] the deponent reserves his right to [illegible] any to the [illegible] [illegible] it [illegible] final disposal [illegible] application filed are pending [illegible] Tribunal.

13. The application filed by the [illegible] No. 3 [illegible] Council to oppose interim relief prayed for by the deponent is not maintainable and liable to be rejected with cost by allowing the relief as prayed for by issue [illegible] orders, instructions and [illegible] in favour [illegible] and against the opp. parties [illegible] them [illegible] to recover the whole [illegible] payment of [illegible] including relief [illegible] payable to the deponent and [illegible] the payment [illegible] amount of pension [illegible] with interest [illegible] proper and just [illegible] and equitable [illegible].

Dated :- 29.3.19[illegible].

S.N. Sinha

[illegible]

....12

Verification

I, the above named deponent, hereby verify that the contents of paras 1 to 13 are true to my personal knowledge

are believed by me to be true, based on records and legal advices. Nothing has been concealed.

Signed and verified this 29th day of August 1990 in the Civil Court Compound at Lucknow.

Lucknow :

Dated :- 29th .8.1990.

S N Sinha
Deponent

I identify the above named deponent who has signed before me.

RV Tewari
Advocate
29 8 90

R. V. Tiwari
Advocate
High Court
Lucknow Bench

Solemnly affirmed before me on 29/8/90 at 4.00 by S. N. Sinha who is identified by Sri R. V. Tiwari Advocate High Court, Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit which have been read over and explained to him.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

M.P. No. 445/90 (L)

O.A. No. 112 /90 (L) of 1990

APPLICATION U/s 19 OF C.A.T. ACT-1985

IN RE

Swaroop Narain Sinha (S.N. Sinha) .... Applicant

Vs.

Union of India & others .... Opp. Parties

APPLICATION FOR INTERIM RELIEF

For the facts and circumstances narrated in the accompanying affidavit, the applicant very respectfully prayed that this Hon'ble Tribunal graciously be pleased to issue instructions, orders, or commands in shape of prohibitory injunction against opp. parties restraining them ~~be restrained~~ not to recover the whole or part of the amount of alleged Rs. 4,132/- as over paid G.P.F. money from the immoluments, including relief, of pension being paid or become admissible from time to time to the applicant till the further order of this Hon'ble Tribunal. Further, this Hon'ble Tribunal be pleased to issue orders, instructions and commands in shape of mandamus in favour of the applicant and against the Opposite Parties to cause payment of Rs. 2,753/= to the applicant as deposits against GPF A/c No. 34468 with interest and pendentilite benefits after correcting the

Filed today
Sd/-
23/7/90

S. N. Sinha

... 2/

accounts in pursuance of the irregularities pleaded in the application within a period as specified by this Hon'ble Tribunal as found deemed and proper.

Lucknow :

Dated :- 21.7.1990.

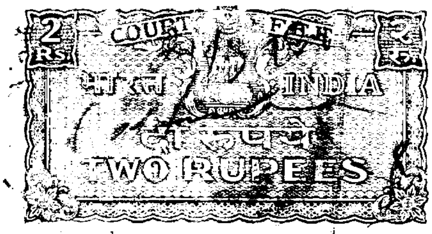
S. N. Sinha.
Applicant

Through the counsel.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. NO. 112/90 (L) of 1990



1990 AFFIDAVIT 63 M DISTT. COURT U.P.

Swaroop Narain Sinha (S.N. Sinha), aged about 60 years, Son of Late Laxmi Narain Sinha, resident of 172-Gautam Budh Marg, Lucknow.

..... APPLICANT

Versus

1. Union of India, through Secretary, Ministry of Communication (Deptt. of Posts), New Delhi.

2. Director of Accounts (Postal), U.P. Circle, Aminabad, Lucknow.

3. A.O. (GPF Cell) 542-E, Rai Behari Lal Road, New Hyderabad, Lucknow, O/O The D.A. (P), U.P. Circle, Aminabad, Lucknow- 226007.

4. The Chief Post Master, Lucknow G.P.O.

... OPP. PARTIES

APPLICATION UNDER SECTION 19 OF C.A.T. ACT- 1985

A F F I D A V I T

(TO SUPPLEMENT THE AFFIDAVIT DATED : 27.6.1990 FILED IN SUPPORT OF THE INTERIM RELIEF PRAYED FOR IN THE ORIGINAL APPLICATION FILED UNDER SECTION -19 on 27.6.1990 OF C.A.T. ACT- 1985).

I, Swaroop Narain Sinha (S.N. Sinha)

S.N. Sinha

..2/

aged about 60 years, Son of Late Laxmi Narain Sinha, resident of 172-Gautam Budh Marg, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the applicant in the above noted case and he is fully and well conversant with the facts and circumstances ofthe case.

2. That the occasion to file this Supplementary affidavit arose on account of the denial of the Opposite Party No. 4 to disburse the pension of the deponent right from the month of January 1990 to June 1990 on 1.7.1990 and also the new circumstances and facts ~~ax~~ cropped -up after filing the application Under Section-19 of C.A.T. Act, 1985 before the Hon'ble Tribunal on 27.6.1990.

3. That the threats to launch Civil suits and refusal to disburse the pension of the deponent is still continuing and refusal of the Opp. Parties to intimate the full and correct account illegally had compelled the deponent to come up with a request of Interim Relief for issue of commands and instructions against the Opp. Parties and in favour of the deponent directing the Opp. Parties to cause payment ofthe Pension held up irregularly restraining the Opp. Parties

S.N. Sinha

... 3/

from making recoveries of any dues whatsoever in nature from the immoluments of pension payable and admissible to the deponent without orders of this Hon'ble Tribunal.

4. That the specification of non-credit of the amount of subscription @ Rs. 500/- p.m. for the total period from 1.4.1985 to 31.3.1986 alongwith the amount of interest calculated at the rate prescr-ibed for the total period from 1985 to 31.7.1988 is a nomography of the accounts of the Opp. Party to take the total account as not reliable and also to make them obligated under law to furnish the correct account to the satisfaction of the deponent and also restraining them from any action pertaining either to the Civil suit as proposed or the recovery of Rs 3809/- or Rs 4122/- from the immoluments of the pension as ordered vide the impugned letter dt. 6.3.90 [illegible] Annexure A-11 of the application.

Photo stat copy of letter no. G.P.F. -II/P-VI/Discrepency Dated 2.7.1986 and Annual statement of G.P.F. Account No. PTD-34468 for the year ~~19~~ 1985-86 and 1986-87 are annexed herewith as <u>Enclosure No. 1 - 2 & 3</u> of this affidavit forming part of the affidavit.

5. That the continuity of the threats and perpetual attempts of the Opposite Parties to make recoveri-es irregularly and un-lawfully from the immolu-ments of pension payable to the deponent are well established as per issuance of their own

S N Sinha

21/3/90

.... 4/

Office letter No. G.P.F. Cell/Minus balance/323 dated 30.5.1990, which is being annexed to this affidavit as Enclosure No. 4 forming part of this affidavit.

Lucknow :
Dated :- 21.7.1990.

S N. Sinha.
Deponent

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my personal knowledge, records and legal advice and are believed to be true.

No material facts have been concealed or supressed.

21/7/90

Signed and verified this 21st day of July 1990 in the Civil Court's Compound at Lucknow.

Lucknow :
Dated :- 21.7.1990.

S. N. Sinha.
Deponent

I identify the above named deponent Sri S.N. Sinha who has signed in my presence.

2.30 PM S N Sinha R.V. Tewari

R.V. Tewari
(R.V. Tewari)21/7
Advocate
High Court, Lucknow.

Solemnly affirmed before me on 21.7.1990 at 12.30 am/pm by the deponent Sri S.N. Sinha who is identified by Sri R.V. Tewari, Advocate, High Court, Lucknow Bench, Lucknow.

21/7/90

I have satisfied myself by examining the deponent that he understands the contents of the affidavit which have been read over and explained to him by me.

ENC. NO 1

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL), U.P.CIRCLE,
LUCKNOW -226018.

. G.P.F. II /P- VI / Discrepancy. Dated: . 7.198 6.

The Post Master
G.P.O. Lucknow,

P/V. 34168

Subject:- Discrepancy in G.P.F. Account No.
of Shri- S.N. Sinha.

Reference:- Your letter No.
dated

Sir,

The following Credits/Debits have been incorporated in the above mentioned G.P.F. A/C during the year 1986-87

Closing balance of 85-86 Rs. 744

Short credit of 85-86 Rs. + 5400

6144

~~Net balance of PIC 3986~~ 6144/

The subscriber may also kindly be informed accordingly.

Yours faithfully,

Jr. ACCOUNTS OFFICER.

Junior Accounts Officer,
-III
Postal Accounts, Lucknow

S.N. Sinha

True copy attested
R.V. Tewari
R. V. Tiwari 21/3
Advocate
High Court
Lucknow Bench
(Reg. No. 4781/CC)

ENC-2

M. S. O. T. 81
he (Paragraph 431)

OFFICE OE THE DIRECTOR OF POSTAL ACCOUNTS U. P. CIRCLE, LUCKNOW

ANNUAL STATEMENT OF GENERAL PROVIDENT FUND ACCOUNT

YEAR [illegible]
Interest @ 10 [illegible] Perannum

Account No.	Name of subscriber	Opening Balance	Deposit/Recoveries during the year	Interest allowed during the year	Withdrawal during the year	Balance
1	2	3	4	5	6	7
1 TD. [illegible]468	S. N. Sinha	7418	[illegible]	435	[illegible]	[illegible]

This also include..................... recovered in earlier years as detailed below brough to the amount of the subscriber in this year.

..................Signature
Designation

Subscriber is requested to furnish nomination papers immediately for prompt disposal of GPF Final payment cases.

With refrence to
I certify that the annual statement of my..........................Provident Fund Account for the year 19...............................
I certify that the to the best my knowledge and information the balance shown therein is correct.
I am to state that I do not accept the balance shown therein is correct.
I am to state that if it is not accepted the balance shown therein as correct for the reasons given on circle.

O/o Director of Postal Accounts
LUCKNOW

S. N. Sinha

True copy attested
R.N. Tewari
[illegible] Tiwari
Advocate

ENC-703

का० पु० (त) 80
S. O. (T) 80

5500
1990
11/90

फार्म 80
FORM 80

कार्यालय निदेशक डाक लेखा उ०प्र० परिमंडल लखनऊ Office of the Director of Accounts (Postal) U. P. Circle Lucknow

भविष्य निधि लेखे का वार्षिक विवरण सामान्य भविष्य निधि/Annual Statement of General Provident Fund Account

लेखे का वर्ष/Year of Account 1986-87 ब्याज की दर/Rate of Interest 12 प्रतिशत/Per cent

लेखा संख्या Account No. 1	अभिदाता का नाम Name of Subscriber 2	अग्र शेष Opening Balance 3	*वर्ष में जमा/वसूलियां *Deposits/Recoveries during the year 4	†वर्ष में दिया गया ब्याज †Interest allowed during the year 5	वर्ष में निकाली गई राशि Withdrawal during the year 6	‡शेष ‡Balance 7
P-34468	Swaroop Narain Sinha	4656	9453	600	8660	6051

*इसमें नीचे दिए गए ब्यौरे के अनुसार पिछले वर्षों में वसूल की गई लेकिन अभिदाता के खाते में इस वर्ष दर्ज की गई........................रुपये की रकम भी शामिल है।
*This also includes Rs ....recovered in earlier years as detailed below, but brought on to the account of the subscriber in this year.
†पिछली अवधियों से सम्बन्धित क्रेडिटों पर ब्याज भी शामिल है/Includes, interests on credits relating to earlier periods also.
‡गुम क्रेडिटों और डेबिटों के लिए कृपया पृष्ठ भाग देखें/For missing credits/debits please see reverse.

2/7

टिप्पणी/Notes :—

1. यदि अभिदाता पहले किए गए नामन में कोई परिवर्तन करना चाहे तो एक संशोधित नामन पत्र निधि नियमावली के अनुसार भेज दें।
If the subscriber desires to make any alteration in the nomination already made, a revised nomination may be sent forthwith in accordance with the rules of the Fund.
2. यदि अभिदाता ने शुरू में परिवार न होने के कारण किसी व्यक्ति/व्यक्तियों को, जो उसके परिवार के सदस्य नहीं थे, नामित किया हो और बाद में उसका परिवार हो गया हो तो उसको अपने परिवार के सदस्य/सदस्यों के नाम नामन पत्र प्रस्तुत कर देना चाहिए/In case the subscriber, owing to his/her having no family then, had nominated a Person/persons other than a member/members of his/her family and has subsequently acquired a family, he/she should submit a nomination in favour of a member/members of his/her family.
3. अभिदाता से अनुरोध है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि कोई गलती हो तो इसकी प्राप्ति के §........................मास के अन्दर उसको लेखा अधिकारी के ध्यान में लाए/The subscriber is requested to satisfy himself/herself as to the correctness of the statement and to bring errors if any, to the notice of the Accounts Officer within §................ .... month(s) from the date of its receipt.

§सम्बन्धित निधि नियमावली के अनुसार भरा जाय/To be filled in according to the rules of the Fund concerned.

हस्ताक्षर/Signature Nayeem

दिनांक/Date.........................

कनिष्ठ लेखाधिकारी डाकलेखा, लखनऊ/Jr. Accounts Officer Postal Accounts, Lucknow
पदनाम/Designation

(MOHD. NAYEEM)
J.A.O. G.P.F.-II
O/O Director of Postal
A/cs. ... W.

....को लौटाया जाए।
TO BE RETURNED TO THE Office of Director of Accounts (Postal) U.P. Circle, Lucknow

19..........19..........वर्ष के मेरे........................भविष्य निधि लेखे के वार्षिक विवरण के संदर्भ में।
With reference to the Annual Statement of my ....Providend Fund Account for the year 19......19......

मैं प्रमाणित करता हूँ कि मेरी जानकारी और सूचना के अनुसार उसमें दिखाया गया शेष सही है/I certify that to the best of my knowledge and information the balance shown therein is correct

मैं यह बताता हूँ कि पृष्ठ के दूसरी ओर दिए गए कारणों के कारण उसमें दिखाए गए शेष को मैं सही स्वीकार नहीं करता/I am to state that I do not accept the balance shown therein as correct for the reasons given overleaf.

True copy attested
S.N. Sinha

S. N. Sinha

NO. No 4

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL), U.P. CIRCLE,
[illegible] LAL ROAD, NEW [illegible]

To,

The Chief Post Master
[illegible]

NO.G P.F.Cell/Minus Balance/223 Dated; 30/5/90.

Subject;- Minus balance of Rs. 3401/- in GPF A/C No. D 344468
of Shri S.N. Sinha.

*****

Sir,

I am directed to invite a reference of this office letter No.G.P.F.. / 15-47/1068 dated 8.1.90 on the above subject and to state that full particulars of recovery made from the subscriber/heir may please be intimated to this office. In case no recovery has been made action taken to effect recovery at your end may also be intimated for further and final necessary action at this end. This may please be treated as most urgent.

Yours faithfully,

ASSTT.CHIEF ACCOUNTS OFFICER.

NO.GPF.Cell/Minus Balance/223 Dated;-30/5/90.

Copy for information and necessary action to Shri/Smt. .... S.N. Sinha 172, [illegible] .... Mary [illegible] ....

ASSTT.CHIEF ACCOUNTS OFFICER.

R.L./4/90.

S. N Sinha.

True copy attested
[illegible]

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

C.M.A. No. M.P. No. 654/90(L) /90(L) of 1990

S.N.Sinha ..... Applicant

versus

Union of India and Others. Opp.Parties.

O.A.No.212/90(L) of 1990

Decided on : 31.8.1990

APPLICATION UNDER RULE 24 OF C.A.T.(PROCEDURE) RULES 1985 AS AMENDED IN 1987

For the facts and circumstances stated in the accompanying application and affidavit, it is most respectfully prayed that it is pertinent to correct the sentences of the judgement dated 31.8.1990, in O.A.No.212/90(L) of 1990(S.N.Sinha Vs. Union of India & Others), perceived as out-rageous defiance of logic though not against the decision but at the least against the decision making process.

It is further prayed that the perversity thus recognised being the ground of judicial review be now corrected to make the judgement enforceable in true perspective of the reliefs sought in the interest of justice and ~~fiair~~ fair disposal of the claim application under no.OA-212/90(L) of 1990 in the case.

S.N. Sinha

R. V. Tiwari
Advocate
High Court
Lucknow Bench

Lucknow/Dt.07.11.1990/

R.V. Tewari
(R.V.Tewari) Advocate
Counsel for the Applicant.

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CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

C.M.A. NO.   /90(L) OF 1990

S.N. Sinha   .....   Applicant.

versus

Union of India & Others.   Opp.Parties

Inre :

Swaroop Narain Sinha(S.N.Sinha) aged about 60 years son of Late Laxmi Narain Sinha, r/o 172-G.B.Marg, Lucknow.

..Applicant.

versus

1. Union of India THROUGH The Secretary,Ministry of Communication(Department of Posts) New Delhi.

2. The Director of Accounts(Postal), U.P. Circle, Aminabad, Lucknow.

3. The A.O.(G.P.F.-Cells), 542-E Rai Behari Lal Road, New Hyderbad, Lucknow.

4. The Chief Post Master, Lucknow G.P.O.

..Opp.Parties.

O.A.No. 212/90(L) of 1990

Decided on : 31.8.1990.

APPLICATION UNDER RULE 24 OF C.A.T. (PROCEDURE) RULES 1985 AS AMENDED-1987.

High Court

S. N. Sinha

..2/-

The applicant above named very respectfully submits as under :-

1. That the applicant retired as Dy.Post Master, Lucknow G.P.O. on 31.7.1988 on superannuation.

2. That the applicant is the holder of GENERAL PROVIDENT FUND ACCOUNT (hereinafter referred to as "FUND") no.PTD-34468 since the year 1947-48 managed and controlled by the respondants under Rules and Acts made and enacted as envisaged in GENERAL PROVIDENT FUND(C.S.), Rules 1960(hereinafter referred to as "Rules") and also PROVIDENT FUNDS ACTS-1925(hereinafter referred to as "Acts").

3. That on 2.8.1988, after his retirement the applicant applied through the respondant no.4 for payment of the final amount at the credit of the applicant by way of final withdrawal of accumulations in his G.P.F.Account no.P.T.D.34468 including the amount of deposits w.e.f. 1.4.1988 to 30.6.1988 recovered and credited in his fund at the rate of Rs.1000/-per month, togetherwith the interest admissible taking the amount of minus balance of Rs.241/- as per ANNUAL STATEMENT OF ACCOUNTS for the years 1987-88 as supplied by the respondant no.3 under Rule 39 of the Rules 1960.

S.N Sinha

4. That after keeping mum the respondant no.3 intimated that the G.P.F.A/C no.34468 is running with a minus balance of Rs.3401/- on account of the undebited entries of Rs.1440/- and Rs.315/-

paid to the applicant as advance in January 1975 & February 1976 respectively plus the amount of compound interest accrued and calculated after adjusting the amount of Rs.3000/- subscribed by the applicant @Rs.1000/-per month w.e.f. 1.4.1988 to 30.6.1988. The communication is Annexure-A-1 of the original application, under No.212/90(L) of 1990, decided on 31.8.1990.

5. That by supplying a concordence of accounts right from the years 1977-78 to 1988-89 the applicant challenged the correctness of the accounts maintained by the respondants and expressed his unwillingness to pay any amount without having reliable and satisfactory accounts through a joint enquiry. This submission , thereafter, was threatened by the respondants no.3 by issue of his Office Order no.GPF-Cell/SN Sinha M B-47/1048 dated 8-1.1990 instructing the respondant no.4 to recover the alleged amount of overpaid GPF money to the tune of Rs.3809/- out of the relief payable to the applicant-pensioner as emolumemts of pension. Accordingly, the impugned order of the recovery of overpaid amount of Rs.4132/-(interest Rs.3401/-+ compound interest of Rs.731/-) was issued by the respondant no.4 under his Office no.E/A/C/GPF/MD/ S.N.Sinha/128/89-90 dated 6.3.1990.

S. N Sinha

6. That this impugned order dated 6.3.1990 was challenged by filing an application under S-19 of C.A.T. Act -85 before this Hon'ble Tribunal, which was registered under O.A.No.212/90(L) of 1990 seeking the following reliefs amongst others :

.4.

(a) To declare the claim of the opposite parties for an amount of Rs.4132/- against the alleged overdrawn G.P.F.Money vide their impugned order dated 6.3.1990 anulled by issue of instructions ,directions and commands in shape of mandamus against the opposite parties.

b (BS) To quash the impugned order dated 6.3.1990 (Annexure-A-11) prohibiting the opposite parties not to levy any charge or recovery whatsoever be on the emoluments of pension admissible and drawn by the applicant including the amount of relief, if any, payable to the applicant -pensioner.

(c) To issue directives, instructions,commands in shape of mandamus in favour of the applicant and against the opposite parties to cause payment of Rs.2753/-as deposits against the GPF A/C No.34468 with pendentil -ite benefits at the rate of 18% p.a. and further interest till the date of actual payment at bank rate , or alternatively damages @ Rs.50/- per day w.e.f. 22.3.1990 till the date of actual payment or both as deemed just and proper.

S. N. Sinha

7. That as a measure of interim relief, the applicant has also prayed for stay order restraining the opposite parties not to recover the alleged amount of Rs.4132/- as overpaid GPF money from the emoluments of pension including reliefs

on pension lying withheld w.e.f. 1.1.1990 till further orders of this Hon'ble Tribunal by filing a separate application dated 27-6.1990, registered under no.CMOA 455/90(L) of 1990.

8. That the case was heard on 23.7.1990 before admission and after hearing the parties, this Hon'ble Tribunal passed the following orders :

" 23.7.1990 :

Hon'ble Mr.Justice K.Nath, V.C.

Hon'ble Mr.K.Obayya ,A.M.

Admit.

Issue notice. Counter may be filed within 3 weeks. Rejoinder within one week; thereafter. In the matter of interim relief issue notice and list for orders on 27.8.1990.

Sd/- V.C.

Sd/- A.M."

9. That the applicant very respectfully submits that no counter was filed by the opposite parties. However, application opposijg the interim relief prayed for was filed by means of an affidavit sworn in by one Sri C.D.Joshi, A.C.A.on behalf of the opposite party no.3 on 27.8.1990.

S. N. Sinha

10. That on 30.8.1990, the applicant filed his objection against the application opposi/ng the interim relief as filed by the opposite party no.3 on 27.8.1990 through his counsel , praying that the application file by the opposite party no.3 could not be sustained and

be quashed on merit deposed in the affidavit dated 29.8.1990 accompanying the objection application.

11. That on 30.8.1990, this Hon'ble Tribunal pleased to hear the arguments of the counsels of the parties with a view to dispose off the application opposing the interim reliefs by allowing the application of interim relief filed by the applicant and registered under no.445/90(L) of 1990, and the judgement , which is no more than an interlocutory orders was delivered by the Hon'ble Mr.D.K.Agarwal,JM and Hon'ble Mr.K.Obayya,AM on 31.8.1990 is annexed to this application as Annexure-A-1.

12. That curiously enough the judgement Annexure-A-1 came out to dispose off the original application under No.OA 212/90(L) of 1990 finally without adjudicating the main reliefs as per para 6(a)(b)(c) above, taking the averments of the applicant as admitted in absence of any counter on behalf of the opposite parties.

13. That irrespective of the judicial position as per above, the applicant out of sheer respect and strict compliance of the judgement dated 31.8.1990, deposited the principal amount of advance of Rs.1755/-(Rs.1440/-+ Rs.315/-) alleged to have been the amount erroneously left unaccounted for as debit entries in January 1975 and February 1976 in the G.P.F.A/C no.34468, vide Receipt no.116204/096 dated 7.9.1990. The photo copy of the receipt

S. N. Sinha

issued by the respondant no.4 is annexed as Annexure-A-2 to this application.

14. That the applicant requested the respondants no.3, to issue certificate authorising the respondant no.4 to arrange payment of the total amount of deposits of Rs.3000/-standing at the credit of the GPF A/C no.34468 in lieu of the application dt. 1.8.1988, submitted seeking final withdrawal of his GPF A/C on retirement on supernnuation on 31.7. 1988 within a period of 30 days after receipt of the notice cum application dated 7.9.1990 served upon the respondants, which is Annexure-A-3 of this application.

That the applicant in pursuance of the averments made in the original application under no. 212/90(L) of 1990, decided on 31.8.1990, also claimed refund back of Rs.1755/- after launching enquiry as required under para 6 of the Govt. of India's decision circulated under No.G.I. D.P. & A.R. O.M. No. F-16(2)/Pension Unit/82 dated 21.12.1982 since the mistakes , if any, took place in the Office of the respondants alone.

That as per notice Annexure-A-3, the applicant also claimed interest accrued during the years 1979-82 ;1987-88 on the amount of Rs.3393/-accounted twice as debit entries on conversion in the year 1979-80 as the only net amount of Rs.3393/- excluding interest

S N. Sinha

has been shown credited back in the balance of the said GPF A/C No.34468 at a belated stage and also the mistakes discovered in the years 1988-89 and likewise the interest on the total amount of Rs.5400/- for the period from 1985-86 to 1987-88 was also claimed.

15. That the perusal of the reply of the opposite party no.3 Annexure-A-4 reveals that the opposite party no.3 refused the claim of the applicant under misconstrued interpretation of the judgement dt. 31.8.1990, delivered by this Hon'ble Tribunal, which contemplates as under :

(a) The Hon'ble Tribunal has been pleased to order recovery of Rs.1755/-on grace and not on the merit of the case which involves public money to the tune of Rs.4142/- and denied the charge of interest and penal interest on over paid GPF money of Rs.1755/- against the closing balance of GPF A/C no.- 34468.

(b) Since the GPF A/C no.34468 was running in munus by Rs.4132/- being the penal interest upto 1.5.1990 after adjusting the excess amount of penal interest out of the total deposits of Rs.3000/-, out of which you the applicant have been ordered to deposit Rs.1755/- exempting from the liability of payment of remaining amount of interest due against the aforesaid GPF A/C no.34468.

(c) The claim of double debit of Rs.3393/-and credit of Rs.5400/-without interest does not arise as the account maintained on verification has been found correct. There appears no need to investigate into the

S. N. Sinha

assertions beyond this including what is pleaded in the O.A.No.212/90(L) of 1990; because to this extent the judicial verdict is innocuous and the judgement dated 31.8.1990 is non-speaking.

16. That the applicant is of the opinion that by passing the judgement dated 31.8.1990, this Hon'ble Tribunal has extingusihed the liability of the applicant towards payment of any interest or penal interest calculated on account of wrongfully undevited entries of Rs.1440/- of July 1975 and Rs.315/- of February 1976 including the one alleged to have been adjusted out of the deposits of Rs.3000/-. This goes further to speak the plus entries at the credit of the GPF A/C no.34468 by getting the alleged non.debited entries of Rs.1440/- and Rs.315/- as never been in existence and sparing the amount of Rs.3000/- at the credit of the applicant's GPF A/C. The contention of the opposite parties of applicant's GPF A/C being minus in balance over and above the judicial verdict proclaimed by this Hon'ble Tribunal is not tenable.

17. That by interpreting the judgement dated 31.8.1990 otherwise and by refusing the claim of the applicant which should have been paidup with interest calculated at market rate suo moto by the respondants in compliance of the judgement dt. 31.8.1990, the respondants have acted in contempt of court's order, and are liable to be summoned and tried under the relevent Acts of Contempt of Courts Act 1971 to be readwith the CAT(contempt of Courts) Rules 1986.

S. N. Sinha

18. That on merit by refusing the claim of the applicant in complaince of the judgement dated 31.8.1990, and ~~acts~~ acts of Interpretation of judicial orders without jurisdiction and authority otherwise ~~infused~~ in defiance to make the claim of the applicant by filing O.A.No.212/90(L) of 1990 infructuous, the applicant has case against the respondants bonafide against which the respondants have no answer ; because the accounts alleged to have been prepared and recasted at the time of final closure of the GPF A/C No.34468, is fictitious and wrong and are inadmissible in evidence. They have also attempted to resile from the admission made by them through references in piece-meals made from time to time to the applicant.

19. That the attempts to contact the respondant no.3 in person to launch enquiry into the infirmities in the account maintained by them proved futile as per their contention that after judgement dated 31.8.1990 nothing is left to be paidup to the applicant.

S. N. Sinha

20. That the subject matter of this application i.e. to get adequate and respectful compliance of the judgement dated 31.8.1990, with modifications and corrections, if needed, is within the adjudicational jurisdiction of this Hon'ble Tribunal.

21. That on failure of the opposite parties to counter to the original application, registered under no.212/90(L) of 1990, notices and rule nisi in respect of which stands served to the satisfaction of this Hon'ble Tribunal, The Hon'ble Tribunal is

bound to , pass judicial orders and as such the applicant recognizes the judgement dated 31.8.1990 as simply interlocutory orders pending final disposal of his claim application no.212/90(L) of 1990.

22. That the contentions of the respondants will not stand scrutiny of law. The respondants have flouted the orders passed by this Hon'ble Tribunal, thereby issue of mandamuscommanding ~~of~~ the opposite parties to cause respectful compliance ~~and~~ has become essential.

PRAYER

WHEREFORE the applicant beseech your Lordships to clarify the judgement passed by Your Lordships Hon'ble Mr.D.K.Agarwal,JM and Hon'ble Mr. K.Obayya,AM dated 31.8.1990 by placing orders , instructions and commands, to cause payment of the claims of the applicant and to exceed to the reliefs sought by the applicant in original claim petition no.212/90(L) of 1990 to be readwith the reliefs enumerated at para 6(a)(b)(c) above of this application, with costs.

S. N. Sinha

Lucknow/Dt.07.11.1990/ APPLICANT.

S N Sinha

VERIFICATION

I, the applicant above named do hereby verify that the contents of paras 1 to 14 of this application are true to my personal knowledge, and those of paras 15 to 22 are believed to be true on the basis of legal advice and records.

Signed and verified on 07.11.1990 at civil court compound at Lucknow.

S. N. Sinha

Lucknow/Dt.07.11.1990/ Applicant.

ANNEXURE-A-1

Central Administrative Tribunal, Circuit Bench,

Lucknow.

Registration (O.A. No. 212 of 1990 (L)

Swaroop Narain Sinha ... Petitioner

Vs.

Union of India & others ... Respondents

Hon'ble Mr. D.K. Agrawal, JM

Hon'ble Mr. K. Obayya, AM

JUDGMENT

(Delivered by Hon'ble DK Agrawal, JM)

This application under Section 19 of the Administrative Tribunals Act, 1985, involves a very short question as to the recovery of Rs. 1755/- + interest thereon from the applicant, who is a retired employee of the Postal Department. The allegation in para 2 of the counter affidavit filed on behalf of the opposite party no. 3 is to the effect that the applicant made withdrawl of Rs. 1440/- and Rs. 315/- in July 1975 and February 1976 respectively which was not accounted for in his GPF accounts. The mistake was discovered later on. Therefore, recovery was issued against the applicant. The amount was not paid with the result that the interest also accrued thereon. Now the claim of the department is for a sum of Rs. 4,132/- as on 1-5-1990. The applicant in para 16 of his main petition has expressed his willingness to pay the principal sum of Rs. 1755/- (Rs. 1440 + Rs. 315/-). Thus, the only controversy is regarding the interest which has accrued on the said sum of Rs. 1755/-. We are of the opinion that since the applicant has already

S. N. Sinha

retired, it may entail hardship, if he is made to pay interest as well. Even assuming that the applicant declined to pay Rs. 1755/- at the relevant time, still we do not consider it equitable to hold him responsible for the payment of interest. Consequently we hereby order that the applicant shall pay Rs. 1755/- within a period of 30 days from the date of this judgment failing which the opposite parties shall recover this amount from his retiral dues.

Parties will bear their own costs.

Sd

(A.M.)

Sd

(J.M.)

Dated : Lucknow

August 30, 1990.

ES/

Attested

True Copy

C.T.C. Centr.l

S. N. Sinha

True copy

R.N. Tewari

Adv.

2.7.11.90

R. V. Tiwari

Advocate

High Court

Lucknow Bench

(Reg. No. 475/63)

ANNEXURE A-2

मूल
(Original)

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

वित्तीय पुस्तिका खंड I के नियम 8, 154, 159 और तथा डाक-तार वित्तीय पुस्तिका खंड III (भाग I) प्रथम संस्करण के नियम 100 देखें] प्रथम संस्करण (पुनर्मुद्रित)

Sri S.N. Sinha.

[Rules 8, 154, 159 and 16 of Posts and Telegraphs Financial Handbook, Volume I Second Edition and Rule 100 of P.& T. Financial Handbook, Vol. III (Part I)] First Edition (Reprint)

बुक संख्या ए०एच० — रसीद संख्या
Book No. AHA 1E204 Receipt No. 196

Received from Sri S.N. Sinha Dy Postmaster G.P.O Retd Lucknow.

Rs. 1755/- Rupees one thousand seven hundred fifty five only

On account of C.A.T Circle Branch Lucknow Reg. M.C.O.A No 212 of 1990 Judgment Delivered 31-8-90 Refund of with-drawl & advances from GPF A/c PTD 34468

स्थान
Place

हस्ताक्षर
Signature

दिनांक
Date 7-9-90

पदनाम
Designation

Asstt. Post Master
Dy. Issu. 1 of 0
P.O

MGIPAh.—407 P. & T./90—13-1-91—50,000 Bks.

S N. Sinha

True copy

R.V. Tewari
Adv.
dt 7.XI.90

R. V. Tiwari
Advocate
High Court
Lucknow Bench
(Reg. No. 4737/69)

High Court Allahabad

ANNEXURE A-3

O/C

LKO R/PO RL No 3473
dt 7-9-90

108/16

Sri Ashok Kumar Ji,
Director of Accounts (Postal),
U.P. Circle, Lucknow.

Sub : Final Withdrawl and payment of deposits in G.P.F. A/c no. P.T.D. - 34468, S.N. Sinha payable on the date of retirement on superannu-ation i.e. 31.7.1988 - Application regarding dated 1.8.1988 refers to.

IN RE :

S.N. Sinha ...... Vs..... Union of India & others.

Registration O.A. No. 212 of 1990 (L), Judgment delivered on 31.8.1990 :

Dear Sir,

The Hon'ble Bench of C.A.T. Allahabad, Circuit Bench, Lucknow consisting of Hon'ble Mr. D.K. Agarwal, JM and Hon'ble Mr. K. Obayya AM, has been plea-sed to reject the claim of over-payment of Rs. 4,132/- as G.P.F. money against the G.P.F. A/c no. PTD- 34468 excluding the net amount of Rs. 1440/- + Rs. 315/- ((Rs. 1,755/-) to be ~~deposi~~ deposited by the holder of the aforesaid G.P.F. Account within a period of 30 days from the date of the Judgment i.e. 31.8.1890 in cash.

Accordingly in the strict compliance of the aforesaid judgment the holder of the aforesaid G.P.F. A/c no. 34468 S.N. Sinha ex. Dy. Post Master Lucknow G.P.O. has deposited the aforesaid amount of Rs. 1,755/- in cash under un-classified receipt through A.C.G. no. 67 no. Book no 111204 receipt no 096 dated 7.9.1990 at the Counter of Lucknow G.P.O. today i.e. dated 7.9.1990. Photo copy of the receipt is enclosed here with.

S.N. Sinha

.... 2

R. C. Tiwari

Advocate

108/17

Kindly arrange payment of the total deposits standing at the credit of the aforesaid G.P.F. Account no. 34468 in pursuance of the application dated 1.8.1988 submitted under Rule 31 of G.P.F. Funds (CS) Rules 1960 on retirement of the applicant on superannuation on 31.7.88 within a period of 30 days failing which the applicant would be constrained to file an application and also the Contempt petition before the Hon'ble Tribunal on the following points :-

(i) ~~payable~~ Claiming the refund of the total amount of deposits payable to the holder of the G.P.F. A/c no. 34468 on the date of his retirement i.e. 31.7.88 together with a subscription admissible under Govt. of India's decision issued under G.I. Min. of per. & Trg. O.M. No. 13 (iii) /84/PU dated 12.6.1985 with interest @ Rs. 18% perannum over and above the rate of interest prescribed by the Department on such deposits.

(ii) The refund of the amount of over payment to the tune of Rs. 1,755/- as deposited by the holder of the aforesaid G.P.F. Account in pursuance of the Judgment of the Hon'ble Tribunal dated 31.8.1990 vide receipt dated 7.9.1990 in view of Govt. of India's decisi decision at para 6 (3) issued under no. G.I. DP & AR OM No. F-16 (2)/pension Unit/82 dated ~~21.12.~~ 21-12-82

S.N. Sinha (iii) Refund of the amount of interest accrued on

.... 3

A7/18

the amount of Rs. 3,393/- accounted twice as debit entries on conversion in the year 1979-80 as the net amount of Rs. 3,393/- has been credited back to the balance of the aforesaid G.P.F. Account in the year 1980-81 without interest from the period from 1979-80 to 1987-88, and again on the amount of Rs. 5,4000/- for the period from 1985-86 to 1987-1988 respectively.

Kindly treat it as most urgent.

Rs 1755/- deposited vide ACG no. 67 / N6204/096 dt 7.9.90 with GPO LKO on the date towards overpayment of GPF amount in A/c no 34468 - S.N. Sinha, Dy-PM (Retd) LKO GPO.

Yours faithfully,

Sd—

(S.N. Sinha)
Dy. Post Master (retd)
at 172-G.B. Marg.
Lucknow.

D.A./2 dated
Dated :- 7.9.90

Copy for information and necessary action to :

1. The Chief Post Master, G.P.O. , Lucknow.

LKO GPO RL No 3472 dt 7/9/90

2. The A.O. (GPF-Cell), 542-E-Rai Behari Lal Road, New Hyderabad , Lucknow - 226007.

3. The Chief Post Master General, U.P. Circle, Lucknow

S. N. Sinha
(S. N. Sinha)
Dy. P.M. Lucknow G.P.O. (Retd)

True Copy
R.V. Tewari
Adv.
dt 7-XI-90

S. N. Sinha

Received on 10/10/90

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL), U.P. CIRCLE, LUCKNOW.

No. GPF Cell/ Minus Bal/ S.N. Sinha / 505 Dt 25/9/90

ANNEXURE A-4

To,

Sri Swaroop Narain Sinha,
Ex. Dy. Post Master, Lucknow GPO,
172, Gautam Budh Marg,
LUCKNOW.

Sir,

The parawise reply of you representation dated 7-9-90 is as under;-

1. As a result of final closing of your GPF A/C (No. PTD-34468) your balance was a minus balance of Rs. 3401/- (Rs. 1755/- + A.I. Rs. 1646/-) which was a public money over paid to your self. Keeping linient view by honorable bench of C.A.T., Allahabad, Lucknow, Circuit Bench, Lucknow had ordered (in its Judgement O.A. No. 212 of 1990(L) dated 31-8-90) for recovery of ~~only~~ principal as for sum i.e. Rs. 1755/-. Which you have already deposited on 7-9-90. The question does not arise for remaining any credit balance against your GPF A/C. As your GPF balance has fallen to a minus balance ~~a~~ one.

2. The ~~payment~~ Refund of overdrawn of Rs. 1755/- by you (Vide ACG-67(UCR) Book Number 116204 and Receipt No. 096) has been ~~incorporate~~ made with minus GPF balance outstanding at your debit. ~~It is remarkable that~~ It is not your deposit but you have ~~paid~~ Refunded Rs. 1755/- under the complience of Judgement of honrable court as mentioned above against over payment receipad by you.

3. Lastly ~~as for as the~~ in Compliance of the question that the amount of Rs. 3393/- (Which was a conversion of outstanding balance of GPF advances) in the year 79-80 had been debited twice. We have thoroughly checked and found that the balance has been calculated correctly and there is no mistake. If you want you are requested to visitthis office for you satisfaction.

Yours sincerely,

ASSTT. ACCOUNTS OFFICER,
(G.P.F. Cell).

20/9/90

S. N. Sinha

True copy.

R.V. Tewari
Adv.
Dt 7.XI.90

R. V. Tewari
Advocate
High Court
Lucknow Bench
(... No. 1791/69)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

C.M.A. No. /90(L) of 1990

1990
AFFIDAVIT
71132
HIGH COURT
ALLAHABAD

S.N.Sinha	.....	Applicant.
	versus	
Union of India & Others		Opp.Parties.
	In re :	
S.N.Sinha	.....	Applicant.
	versus	
Union of India & Others.		Opp.Parties.

O.A.No.212/90(L) of 1990

Decided on 31.8.1990

A F F I D A V I T

I, SWAROOP NARAIN SINHA (S.N.Sinha) aged about 60 years, son of Late Laxmi Narain Sinha, resident of 172-G.B.Marg, Lucknow, do hereby take oath and state as under :-

1. That the deponent is the applicant in the above matter as such he is fully aware with the facts and circumstances of the case.

2. That the deponent retired on 3.8.1988 on superannuation and is the holder of GPF A/C No.34468 controlled and managed by the opp.parties as per Rules and Acts made and enacted by the GENERAL

S. N. Sinha

2/-

PROVIDENT FUND (CS) Rules 1960 and also PROVIDENT FUND ACT, 1925).

3. That the facts of paras 1 to 14 of the annexed petition are true to my personal knowledge and those of paras 15 to 22 are believed by me to be true on the basis of legal advice and records.

4. That the enclosures annexed to the accompanying application are true copies of their originals.

5. That no material facts have been concealed or suppressed.

S. N. Sinha

Lucknow/Dt.07.11.1990/ Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my personal knowledge.

Signed and verified on 07.11.1990 in the civil court compound, Lucknow.

S. N. Sinha

Lucknow/Dt.07.11.1990/ Deponent.

I identify the deponent above named who has signed before me.

R. V. Tiwari

R.V. Tewari

Advocate. 07.XI.90

Solemnly affirmed before me on 7.11.1990 at 3 ~~AM~~ by the deponent Sri S.N.Sinha who is identified by Sri R V Tewari, Adv. High Court, Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been readover and explained by me.

7/11/90

Advocate

Oath Commissioner

Allahabad High Court

Lucknow Bench Lucknow

No. 7[illegible] Date...7/11/90