

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT 234190 of 20.....

K.C. SharmaApplicant(S)

Versus

U.O.-9Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

.....
Signature of S.O.

.....
Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 234 of 1980 (4)

APPLICANT(S) K. C. Sharma

RESPONDENT(S) U. O. L.

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent?	Yes
2. a) Is the application in the prescribed form?	Yes
b) Is the application in paper book form?	
c) Have six complete sets of the application been filed?	
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 D.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 pagined properly?	Yes
9. Have the chronological details of representation made and the outcome 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

11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
- a) Identical with the original ?
- b) Defective ?
- c) Wanting in Annexures
- Nos. _____ pages Nos. _____ ?

Have the file size envelopes bearing full addresses of the respondents been filled ?

14. Are the given address the registered address ?

15. Do the names of the parties stated in the copies tally with those indicated in the application ?

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?

17. Are the facts of the case mentioned in item no. 6 of the application ?

a) Concise ?

b) Under distinct heads ?

c) Numbered consecutively ?

d) Typed in double space on one side of the paper ?

18. Have the particulars for interim order prayed for indicated with reasons ?

19. Whether all the remedies have been exhausted ?

Final

b

b

NA

b

No

b

b

26.7.1990

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

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

Admit. Issue notice.

Counter may be filed within 4 weeks,
rejoinder within 2 weeks thereafter.
List the case for order on 13.8.90. Till
then recovery shall not be made from the
pension of the applicant under the
impugned order dated 22.11.1988 (Annexure-4)
and the direction in Annexure-6 dated
30.5.1990.

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

rrm/

notic issued
on

1-8-90

W/29

Notices were issued
on 1.8.90 by Repd. Post.

Neither reply nor any
unserved repd. cover has
been returned hence.

Submitted for order
by
8/8/90

Hon. P. Srinivasan AM
Hon. S.P. Sharma, JM

He for the applicant,
Sn. P.L. Mishra & He for
the repdts. Sn. Dr. D. Chandras
are present. Dr. D. Chandras
request for two weeks time to
file reply, allowed. Reply may
be filed within two weeks.
Rejoinder within 2 weeks thereafter.
Call on 10.9.90 for order.

Dec
JMPS 13/8
AMNo reply filed
S.F.O.

5/9/90

See
original order
on
main petition

13.8.90

3

C-A 234/90

12.9.90

Hon Mr. Justice K. Math, VC.
Hon Mr. M. M. Singh, AM

A3

Counsel for both the parties are present.
Dr. Dinesh Chandra requests for and
is allowed 3 weeks time to file
counter to which the applicant may
file rejoinder within 2 weeks. In
the meanwhile interim order is
made absolute. It will open for
the respondents ~~from~~ to apply for
modification of stay order, if so
desired, after filing the counter.
List for hearing on 29.10.90.
Copy of the order be given to
Counsel for respondents within 2 days.

W

Ve,

H. H. L.
AM

4

29.10.90

5

No sitting Adj to 7.12.90

1.12.90

6

No sitting Adj to 13.2.91

3.2.91 -

7

No sitting Adj to 21.5.91

21.5.91

8

No sitting Adj to 29.8.91

29.8.91

No sitting Adj to 6.11.91

CA filed
10/12

CA filed along with Adj.
for condonation of delay
410 511

No RA filed
stay is granted
S. P. 4

11/11/91

29.6.92

No setting of D.B. adf
to 13.8.92

de

OK
R.A. filed
on 16/7/92 13.8.92
S.F. H.
B.
16/7/92

No setting of D.B. adf
to 28.9.92

de

28.9.92

No setting of D.B. adf
to 12.11.92

de

12.11.92

No setting of D.B. adf
to 21.12.92

de

21.12.92 - No setting adf to 17.2.93

de

OK
R.A. filed
on 16/7/92
S.F. H.
B.
16/7/92

17.2.93

No setting adf to 30/3/93

OK
R.A. filed
on 16/7/92
S.F. H.
B.
16/7/92

AS

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW CIRCUIT BENCH.

...

Registration O.A. No. 234 of 1990 (L)

K.C. Sharma Applicant.

Versus

Union of India
and others Respondents.

...

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)


The applicant after attaining the age of superannuation had retired from service on 28.10.1985 vide order of the Superintendent of Post Offices, Sitapur. His provisional pension was fixed vide order dated 11.11.1985 and his provisional DCRG was also paid to the tune of Rs. 22,489.40 paise . The applicant admittedly, obtained advance from the G.P.Fund Account. According to the applicant, the Annual Statement of General Provident Fund Account for the year 1985-86 was served upon him which shows that there was minus amount to the tune of Rs.1934.00/- at the time of his retirement, and from the perusal of the Annual Statement, a sum of Rs. 206.00/- has been shown as minus interest column which is wrong because the outstanding amount was Rs. 1728.00/- at the time of retirement. A D.O. Letter dated 22.11.1988 in the name of Post Master, Sitapur was sent stating therein that a sum of Rs. 14,509/- stands as minus @ balance in the GPF Account of the applicant.

ill

It was therefore desired that the said amount be recovered from the DCRG and Pension of the applicant. According to the applicant, the same was not correct and he made a representation and reminders were also given but nothing was done and some deductions were made and that is why he has approached the Tribunal stating that he had not overdrawn the amount from G.P. Fund Account, as such there is no outstanding dues against him for which recovery from his pension is liable to be made, and at the time of retirement, there was minus balance to the tune of Rs. 1728.00/- and this balance amount was recovered from the applicant. It has been stated by the respondents that as a matter of fact, a mistake was committed and the applicant who retired on 31.10.1985 was Senior Grade Sub-Post Master, Khairabad, District Sitapur and started subscribing towards the General Provident Fund in the year 1953-54. He was required to certify the correctness of the balance shown therein vide rule 39(2) of the G.P.F. Rules. On his retirement the G.P.F. account was scrutinised from the very beginning for final payment and it was found that an overpayment of Rs. 14,509/- was made to him. The excess payment made to him towards his final G.P.F. account was communicated to him vide letter dated 22.11.1988 and an amount of Rs. 1728/- was deducted from his provisional DCRG and the total amount which is now due is Rs. 12,781/- only. The applicant has been retired from service and whatever recovery had been made should be made only for Rs. 12,781/-. This application has not been filed by the Government,

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as such, no order can be passed in favour of the Government that the recovery should be made, and no amount of the applicant is in deposit with the respondents, as such, the respondents cannot recover the said amount from the applicant. But, from the fact, it is evident that the lower payment was made to the applicant and a sum of Rs. 1728/- has been realised from him and we direct the respondents to realise the rest of the amount but in accordance with law. No order as to the Costs.


Member (A)
Vice-Chairman

Dated: 30.3.1993

(n.u.)

A 99

In the Central Administrative Tribunal, Lucknow Bench,
Lucknow.

Case No. 234 of 1990. (L)
(Distt. Sitapur)

K.C. Sharma.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties

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I N D E X.

<u>S.No.</u>	<u>Description of papers.</u>	<u>Page Nos.</u>
1.	Memo of the application.	1 - 6
2.	Annexure No. 1 : Copy of D.O. letter dt. 22.11.88.	7
3.	" No. 2: Copy of order dt. 30.5.90.	8
4.	Power	9

*Filed today
26/7/90*

Lucknow, dated,
25.7.90

[Signature]
(P. L. MISRA)
Advocate.

Counsel for the petitioner.

[Signature]

[Signature]

In the Central Administrative Tribunal Lucknow Bench
Lucknow.

Case No. 234 / of 1990 (4)
District Sitapur.

K.C.Sharma, aged about 59 years, son of
Nand Ram Sharma, resident of C-402, Civil
Lines, Sitapur./ Retired ISG Sub Post Master
Khairabad distt.Sitapur.

...Applicant

Versus

1. Union of India, through the Secretary,
Post & Telegraph Department, New Delhi.
2. The Director of Accounts (Postal)
U.P.Circle, 542-E-R-B.L.Road, New
Hyderabad, Lucknow-226007
3. Post Master, Sitapur.

...Opp.Parties.

APPLICATION UNDER SECTION 19 OF THE ADMINIS-
TRATIVE TRIBUNALS ACT, 1985

Details of Applidation:

1. Particulars of the order against
which the application is made:
D.O.No.GPF.II/P/IV/645 dated 22.11.1988
and letter no.GPF.Cell/Minus Balance/225
dated 30.5.90 calling upon to make recovery
from the petitioner.

2. Jurisdiction of the Tribunal:

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

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[Handwritten signature]

3. Limitation:

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

4. Facts of the case:

(1) That the petitioner had attained the age of superannuation on 31.10.1985 AN and accordingly he was retired from service vide order passed by the Supdt. of Post Offices, Sitapur dated 28.10.1985, a true copy of which is annexed herewith as Annexure no.1.

(2) That in accordance with Rule 64 and other instructions issued by the Government of India with regard to provisional pension to the retired government servants, the Supdt. of Post Offices Sitapur Division Sitapur vide his order dated 11.11.85 had issued orders for grant of provisional pension to the petitioner. It was ordered that a sum of Rs.22,489.40 paise being the amount of provisional DCEG is to be paid to the petitioner after adjusting outstanding dues mentioned in order to the tune of Rs.2,007.92 paise. A true photostat copy of the said order is annexed as Annexure no.2.

(3) That the aforesaid outstanding amount was deducted from the provisional amount which was paid to the petitioner in accordance with the orders contained in Annexure no.2, ibid and thus there was nothing outstanding against the petitioner.

(4) That the petitioner obtained the advances from the his G.P.Fund Account no.D-18419. Annual Statement of General Provident Fund Account for the year 1985-86 was served upon the petitioner which shows that there was minus amount to the tune of Rs.1934.00 at the time of retirement of the petitioner. A true photostat copy of the annual statement for the year 1985-86 is annexed herewith as Annexure no.3.

(5) That from the perusal of the Annual Statement (Ann.3 above), a sum of Rs.206.00 has been shown as minus interest column which is wrong because the outstanding amount was Rs.1728.00 at the time of retirement.

[Signature] Adv.

(6) That the petitioner was paid for the amount as shown in Annexure no.2 alongwith provisional pension and thereafter the permanent pension orders were passed and now the petitioner was being paid pensionary benefits without any hindrance.

(7) That suddenly the Accounts Officer (GPF) of the opposite party no.2 had sent a D.O. letter dated 22.11.88 in the name of Post Master, Sitapur and a copy of which endorsed to the petitioner stating therein that a sum of Rs.14,509.00 stands as minus balance in the GPF Account of the petitioner. It was therefore desired that the said sum is liable to be recovered from the DCRG/Pension relief account. A true photostat copy of the D.O. letter dated 22.11.88 is annexed herewith as Annexure no.4.

(8) That it is not out of place to mention here that the petitioner had retired in the year 1985 and after long three years the opp.party no.2 had raised the said recovery orders without any foundation. As would be seen from the perusal of the annual general provident fund statement issued by the opp.party no.2 himself, the minus balance was to the tune of Rs.1723.00 only and this amount was recovered from the petitioner while granting provisional pension benefits to the petitioner and therefore there was no minus balance amount to be recovered from the petitioner.

(9) That no details have been disclosed as to how the said minus balance amount is there in the GPF of the petitioner. The petitioner submits that he had not overdrawn the amount to the tune of Rs.14,509/- from his G.P.Fund and hence he is not liable to deposit the same nor the opposite parties were justified to recover the said sum from pension amount being received by the petitioner.

(10) That the petitioner made representations to the opposite party no.2 and prayed that he be supplied the details of the outstanding amount which is alleged to have overdrawn by the petitioner from his G.P.Fund Account. A true copy of such representation is annexed herewith as Annexure no.5.

Rebha
Ques
Ad

Am

(11) That while the representation of the petitioner is yet to be decided, the opp.party no.2 issued yet another order dated 30.5.90 calling upon the Post Master, Sitapur to ensure for the recovery of the minus balance. A true photostat copy of the said reminder is annexed herewith as Annexure no.6.

(12) That there is discrepancy in the said reminder letter because the minus balance is shown as Rs.14,390.00.

5. Grounds for relief with legal provisions:

- (a) Because the petitioner had not overdrawn the amount from G.P.Fund Account and hence there is no outstanding dues against him for which recovery from his pension is liable to be made.
- (b) Because at the time of retirement in 1985, there was minus balance to the tune of Rs.1728.00 and this balance amount was recovered from the petitioner as per Annexure no.2; and thus there remains no minus balance at all which is liable to recovered from him.
- (c) Because the Annual Statement of G.P.Fund does not show the minus balance as has been now shown and thus there is apparent error on the part of the opposite parties and recovery orders are ab-initio void and illegal.
- (d) Because the opp.party no.2 had not disclosed the details of the outstanding dues and hence the orders of recovery have been passed in highly arbitrary manner.

6. Details of the remedies exhausted:

The petitioner had made representation dated 2.1.89 against the said illegal recovery orders and thereafter made several appeals but no orders have been passed by the opp.parties.

7. Matters not previously filed or pending with any other court:

The applicant further declares that he had not

[Handwritten signatures and marks]

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. Relief's sought:

In view of the facts mentioned in para 4 above, the applicant prays for the following reliefs:

- (a) That the orders contained in Annexure No.4 and 6 for recovery of the amount from the petitioners pension may kindly be quashed;
- (b) That it be declared that no amount is to be recovered from the petitioner on account of minus balance in G.P.Fund of the petitioner;
- (c) Any other relief as may be deemed just and proper be also granted.

9. Interim order, if any, prayed for:

Pending final decision on the application, the applicant seeks the following interim relief:

It is most respectfully prayed that the operation of the impugned orders contained in Annexure no.4 and 6 to the application may kindly be stayed during the pendency of this application and opp.parties be restrained from making any recovery from the petitioners pension which he receives every month.

10. Application is being presented through counsel.

11. Particulars of Bank Draft/Postal Order filed in respect of the application fee: Rs 502.00ⁿ

Postal Order No. 02414732 dated 24-7-90

12. List of enclosures:

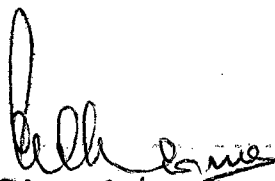
Annexures 1 to 6 are filed as detailed above.

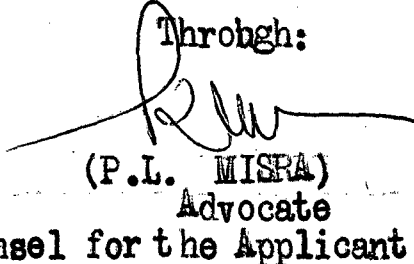
Verification

I, K.C.Sharma, son of Nand Ram Sharma, aged about 59 years, working as LSG in the office of sub Post Master Khairabad, Sitapur, resident of C-402, Civil Lines, Sitapur, do hereby verify that the contents of paras 4(1) to 4(12) are true to my personal knowledge, and I have not suppressed any material fact.

Place: Lucknow

Dated: 25.7.1990


Sig. of Applicant

Through:

(P.L. MISRA)
Advocate
Counsel for the Applicant.

Identify the Applicant Sri. K.C.
Sharma and Signature verified.


Advocate

In the Central Administrative Tribunal, Lucknow Bench

Case No. 1090

Post Master, Sitapur

K.C. Sharma

Petitioner

Union of India & others

Ann: 4

Opp. Parties

Ann: 4

D.O.NO.GPF.II/P-IV/

P.S.MATHUR,
ACCOUNTS OFFICER(GPF).

% The Director of A/Cs(Postal),
U.P.Circle, 542-E-R.B.L.Road,
New Hyderabad, Lucknow-226007.

Dated: -11-88.

Dear Shri.....,

Kindly refer to your letter No.A.7/GPF/88/Dt.
30-9-88 regarding GPF minus balance case of Shri K.C.Sher-
ma holder of GPF A/C No.PTD-18419.

In this connection it is intimated that on recasting
ing of GPF accounts an amount of Rs.14509-00(Rs.Fourteen
thousand five hundred and nine) stands as minus balance
in the GPF account of Shri K.C.Sharma.

You are therefore, requested to kindly recover the
said amounts from the retired official concerned from
his DCRG/Pension relief and recovery shown under head of
GPF other than Cl.IV. Action taken in the matter may
kindly be intimation to this office.

Yours sincerely,

(P.S.MATHUR),

Shri M.B.Rajpai,
Post Master,
SITAPUR H.O.

NO.GPF.II/P-IV/645

Dated:- 22-11-88.

1. Copy to the Accounts Officer, Pension. He is
requested to order recovery of Rs.14509-00(Rs.Fourteen
Thousand five hundred & nine only) from the DCRG of
of the above mentioned official and ask the Post
Master, Sitapur to credit the amount under in GPF
A/C No.PTD-18419.
2. Copy to Shri K.C.Sharma, C/O P.M., Sitapur for infor-
mation. He is requested to kindly deposit overdrawn
amount of Rs.14509/-.

Accounts Officer(GPF).

1/11/88
Copy of letter
sent to the official
at
sitapur
for recovery of
amount of Rs.14509/-

178	1-12-88
178	2-1-89
178	1-2-89
178	1-3-89
178	2-4-89
178	1-5-89
178	2-6-89
178	1-7-89

[Handwritten signature]
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In the Central Administrative Tribunal Lucknow Bench
Lucknow.

Case No. of 1990
Dist. Sitapur

A16

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K. C. Sharma

Petitioner

Union of India & others

Ann: 6

Opp. Parties

Recd on 1-6-90

OFFICE OF THE DIRECTOR OF ACCOUNTS (PROBIL) U.F. CIRCLE,
140-140/1, MINORIAL LANE ROAD, NEW HYDERABAD, LUCKNOW-226007.

To,

The

Post Master

Sitapur

NO.G.P.F.Cell/Minus Balance/

Dated; 5/5/90

Subject; - Minus balance of Rs. 112.90 in GPF A/C No. 218/41 -
of Shri K. C. Sharma

Sir,

I am directed to invite a reference of this office letter
No.G.P.F. 218/41 dated 5.5.90 on the
above subject and to state that full particulars of recovery made
from the subscriber/their 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,

[Signature]
ASSTT. CHIEF ACCOUNTS OFFICER.

NO.GPF.Cell/Minus Balance/225

Dated; 30/4-90.

Copy for information and necessary action to Shri/Smt.....

.....K. C. Sharma.....Post Master.....
.....Sitapur.....

[Signature]
ASSTT. CHIEF ACCOUNTS OFFICER.

R.K./4/90.

[Signature]

[Signature]

9
AIB

ब अदालत श्रीमान
(बादो अपोलान्ट)

प्रतिवादी [रिस्पण्डेंट]

कनूय प्रवाली क प्रवाली महोदय
02073
का वकालतनामा



को को बर

नं० मुकद्दमा

बनाम
सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

श्री १८८ निशानगर

श्री विष्णु गोपाल सिंह

श्री-१८८ निशानगर

वकील

महोदय

एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम सफरीकेन

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 जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावा या हमारी ओर से डिगरी जारी करावें 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 करें 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 हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा 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 ।

हस्ताक्षर...

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... महोना ... सन् १६ ई०

स्वीकृत

Adv.

Advocate

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In the Central Administrative Tribunal, Lucknow Bench,
Lucknow.

Case No. 234 / of 1990 (4)
Distt. Sitapur.

K.C.Sharma

... Applicant

Vs.

Union of India & others

... Opp.Parties.

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(P.L. Misra)
Advocate

Counsel for the Petitioner.

Lucknow, dated
25.7.1990

K.C.Sharma

In the Central Administrative Tribunal, Lucknow Bench,
Lucknow.

Case No. of 1990
Dist. Sitapur

10

A19

K.C. Sharma

Petitioner

Union of India & others

Ann: 1

Opp. Parties

DEPARTMENT OF POSTS
OFFICE OF THE SUPDT. OF POST OFFICES, SITAPUR DN. 261001

Memo No. B/LSG/K.C. Sharma,
Dated at Sitapur the, 28.10.85.

Sri K.C. Sharma XXXX LSG SPM Khairabad whose
date of birth 15.10.27 is permitted to retire from
service on 31.10.85 A/N on attaining the age of
superannuation.

Mr. Sharma is further instructed to hand over
proper charge to senior P.A. of his office on
scheduled date.

Charge report should be submitted.

[Signature]
Supdt. of Post Offices
Sitapur Dn. 261001.

Copy to:-

- ✓ 1. The official.
- 2. The P/F.
- 3. The PM Sitapur.
- 4. The SPM Khairabad.
- 5. The DA(P) Lucknow.
- 6-7. The O/S D.O. Sitapur.
- 8. The UPS Lucknow Regn. Lucknow. He is requested to
issue formal retirement orders.
- 9. O/C.
- 10-11. Spares.

Vaish/-

[Signature]
T.C.
Adv.
16/10/85
By 56a
Dy 238-
ADA 554/40
24RA 79-80

Copy 100-
PETS 20
120

1428.20

In the Central Administrative Tribunal Lucknow Bench
Lucknow.

Case No. of 1990
Dated. Sitapur

2/11

K.C. Sharma

Petitioner

A20

Union of India & others

Ann: 2

Opp. Parties

Ann-2

DEPARTMENT OF POSTS
GOVERNMENT OF INDIA

XXXXXX XXXXX XXX

OFFICE OF THE SUPDT. OF POST OFFICES SITAPUR DIVISION

Memo No. C/Pen/K.C.Sharma Dated Sitapur the 11.11.85

In accordance with Rule 64 of CCS (Pension) Rules 1972 and instructions contained in O.M. No. 72-5/84-Pension unit dated 21.6.1985, from Sri S.R. AHIR Deputy Secretary to the Govt. of India, Ministry of Personnel and Training Administration Reforms and public grievances and pension (Department of Pensions and Pensioners Welfare) New Delhi, the sanction of Supdt. of Post Offices Sitapur is hereby accorded for the payment of provision pension Rs. 691.00 PP + Rs. 123/- (Pension Rs. Six hundred ninetyone & Personal pension Rs. One hundred twentythree) only per month to Shri K.C. Sharma LSG S.P.M. Khairabad Retired on superannuation on 31.10.1985 A.N.

A sum of Rs. 22489.40 Rs. Twentytwo thousand four hundred eighty nine & Paise forty only being the amount of provisional DCRG is also ordered to be paid to the retired Govt. servant after adjusting outstanding dues mentioned below:-

(i). Balance of Medical advance	Rs. 279.92
(ii). DP GPF	Rs. 1728.00

Total Rs. 2007.92

(Rs. Two thousand seven and Paise ninetytwo) only.

The sanction will remain valid for a period of six months from the date & following the date of retirement or issue of PPO by DA (P) Lucknow whichever is earlier.

Final PPO will be issued by the DA (P) Lucknow.

[Signature]

(I.P. Sagar)
Supdt. of Post Offices
Sitapur Division
Sitapur 261001

Slodiql/-

Copy to:-

1. Retired official concerned for information.
(R/D) 402 Civil Lines Sitapur).
2. P.M. Sitapur for information & n.a.
3. & 4. DA (P) Lucknow.
5. O/C.
6. Spare.

T.C.

[Signature]
Adv.

In the Central Administrative Tribunal Lucknow Bench
Lucknow.

Case No. of 1990
Sitaipur

K.C. Sharma

Petitioner

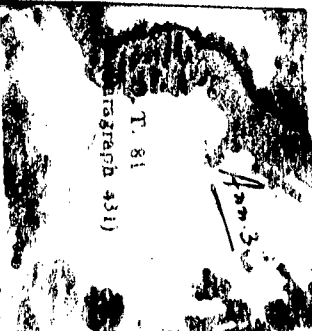
Union of India & others

Ann: 3 upb. Petitioner

312

P21

OFFICE OF THE DIRECTOR OF POSTAL ACCOUNTS U. P. CIRCLE, LUCKNOW
ANNUAL STATEMENT OF GENERAL PROVIDENT FUND ACCOUNT



[Signature]

4th AR 1985-86
Interest @ 0.5% Per annum

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

D-18419 K.C. Sharma (-) 2528 800 (-) 206 - (-) 1934

This also include recovered in earlier years as detailed below brought 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 reference to

Provident Fund Account for the year 19

I certify that the annual statement of 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 reason given on circle.

[Signature]

[Signature]
Da

In the Central Administrative Tribunal Lucknow Bench
Lucknow.

Case No. of 1990
24th. Sitapur

K.C. Sharma

Petitioner

Union of India & others

Ann: 4

Opp. Parties

Ann: 4

D.O.NO.GPF.II/P-IV/

P.S.MATHUR,
ACCOUNTS OFFICER(GPF).

% The Director of A/Cs(Postal),
U.P.Circle, 542-E-R.B.L.Road,
New Hyderabad, Lucknow-226007.

Dated: -11-88.

Dear Shri.....,

Kindly refer to your letter No.A.7/GPF/88/Dt.
30-9-88 regarding GPF minus balance case of Shri K.C.Shar-
ma holder of GPF A/C No.PTD-18419.

In this connection it is intimated that on recasting
ing of GPF accounts an amount of Rs.14509-00(Rs.Fourteen
thousand five hundred and nine) stands as minus balance
in the GPF account of Shri K.C.Sharma.

You are therefore, requested to kindly recover the
said amounts from the retired official concerned from
his DCRG/Pension relief and recovery shown under head of
GPF other than Cl.IV. Action taken in the matter may
kindly be intimation to this office.

Yours sincerely,

(P.S.MATHUR),

Shri M.B.Rajpai,
Post Master,
SITAPUR H.Q.

NU.GPF.II/P-IV/645

Dated:- 22-11-88.

1. Copy to the Accounts Officer, Pension. He is
requested to order recovery of Rs.14509-00(Rs.Fourteen
Thousand five hundred & nine only) from the DCRG in
of the above mentioned official and ask the Post
Master, Sitapur to credit the amount under in GPF
A/C No.PTD-18419.
2. Copy to Shri K.C.Sharma, C/O P.M., Sitapur for infor-
mation. He is requested to kindly deposit overdrawn
amount of Rs.14509/-.

Accounts Officer(GPF).

A.P.O. A/Cs-
Please refer to the copy of letter
dated 11/11/88 to the A.C. dated
11/11/88.

178	178	178
178	178	178
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178	178	178

T.C.
J.C.
Sd/-

Signature

514

A23

In the Central Administrative Tribunal, Lucknow Bench,
Lucknow.

Case No.

of 1990

K.C. Sharma

... Applicant

Vs.

Union of India and others

... Opp. Parties.

ANNEXURE NO. 5

To

The A.O.(GPF) O/o the Director of Accounts (Postal)
U.P. Circle, 542 E.R B.L. Road, New Hyderabad,
Lucknow

Ref: Your no. GPF II/P-IV/645 dated 22.11.88

Sir,

I have been informed that there stands a recovery of Rs.14,509.00 against me in connection with some discrepancy in my GPF A/c No. PTD-18419.

In this connection I have to say that there have been so many withdrawals - final and temporary both and the letter of information does not show any details of the discrepancies in the account i.e. contributions, instalments, rate of interest, withdrawals and the balance afterwards year-wise.

Therefore I am not convinced at all with this recovery.

Further the recasting of my G.P. Fund A/c, I would like to say, must have been done before my retirement at your end. All the claims on both the ends have already been settled before the assessment of my pension and as such I am not in a position to get the recovery made from my pension without any satisfactory reply.

Kindly reconcile the issue and instruct the Post Master Sitapur to stop the recovery with refund of previous deductions.

Thanking in anticipation.

Yours faithfully,

Sd. K.C. Sharma

Retd. LSG Khairabad

402, Civil Lines, Sitapur.

Dated: 2.1.89

True copy

[Handwritten signature]

[Handwritten signature]

In the Central Administrative Tribunal Lucknow Bench 15
Lucknow.
Case No. of 1990
Distt. Sitapur

K.C. Sharma. Petitioner

Union of India & others
Ann: 6 opp. Parties

Recd on 1-6-90

OFFICE OF THE DIRECTOR OF ACCOUNTS (PROBATION) U.P. CIRCLE,
192-1, MAHATMA JEE ROAD, NEW HYDERABAD, DISTT. 226002.

To,
The Pool master
Sitapur U.P.

NO.G.P.F.Cell/Minus Balance/
Subject:- Minus balance of Rs. 112.90 in GPF A/C No. 918/111 -
of Smt. K.C. Sharma

Dated; 5/5/90

Sir,

I am directed to invite a reference of this office letter No.G.P.F. 2/1/1990 dated 5.5.90 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,

[Signature]
ASSTT.CHIEF ACCOUNTS OFFICER.

NO.GPF.Cell/Minus Balance/225
Copy for information and necessary action to Smt/Ent.....
.....
.....

Dated; 30/5-90.

[Signature]
ASSTT.CHIEF ACCOUNTS OFFICER.

R.K./4/90.

T.C
[Signature]
[Signature]

Ans

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

Misc. Application No. 410 of 1991 C/L

on behalf Respondents.

In

O.A.No.234 of 1990(L)

K.C.SharmaApplicant.

Versus

Union of India & Others.....Respondents.

APPLICATION FOR CONDONATION OF DELAY.

The respondents respectfully beg to submit as under:-

1. That the Counter-Affidavit on behalf of the respondents could not be filed within the time allotted by the Hon'ble Tribunal on account of the fact that after receipt of the parawise comments from the respondents, the draft-reply was sent to the department for vetting.
2. That the approved Counter-Affidavit has been received and is being filed without any further loss of time.
3. That the delay in filing the counter-Affidavit is bonafide and not deliberate and is liable to be condoned.

WHEREFORE, it is prayed that the delay in filing the Counter-Affidavit may be condoned and the same may be brought on record for which the respondent shall ever remain grateful as in duty bound.

Lucknow.

Dated; 18-7-91

(DR.DINESH CHANDRA)

Counsel for the Respondents.

Filed today
5/8/91
18/7/91

A26

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

COUNTER-AFFIDAVIT ON BEHALF OF RESPONDENT NO.2.

In

O.A.No.234 of 1990 (L)

K.C.Sharma Applicant.

Versus

Union of India & Others.....Respondent.

I, C. D. Joshi aged about

..... 57 years, ... presently Assistant Chief

..... accounts officer in the go. Director of Sec. Postal Lucknow

do hereby solemnly affirm and State as under :-

1.

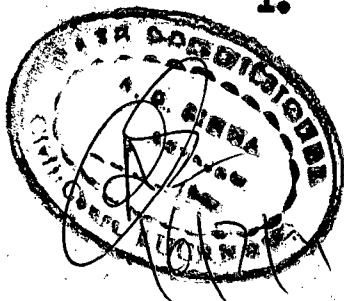
That the deponent has read the application

filed by Shri K.C.Sharma and has understood the

contents thereof. The deponent is well conversant

with the facts of the case deposed hereinafter.

Contd...2/-



2.

That it will be worth while to give a brief

history of the case as under :-

..: BRIEF HISTORY OF THE CASE :-

Shri K.C.Sharma who retired on 31-10-85 was

Senior Grade Sub Post Master, Khairabad, distt. Sitapur

and started subscribing towards the General Provident

Fund (G.P.F.) in the year 1953-54. He was allotted

G.P.F.Account No.D-18419. The statements of account

of the applicant were sent to him every year through

his Head of Office. He was required to certify the

correctness of the balance shown therein vide Rule 39

(2) of the G.P.F. Rules and in case of incorrect

balance (Both excess and short) the same should have

been brought to the notice of the competent authority

for necessary correction. On his retirement, the

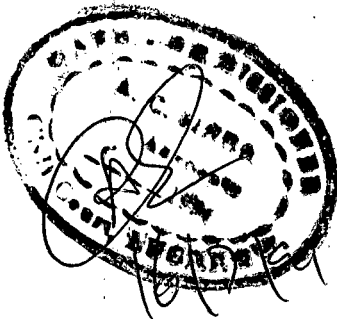
G.P.F. account of Shri Sharma was scrutinised from

the very beginning for final payment and it was found

that an overpayment of Rs.14,509/- was made to him.

The revised G.P.F. balance was therefore as under:-

contd...3/-

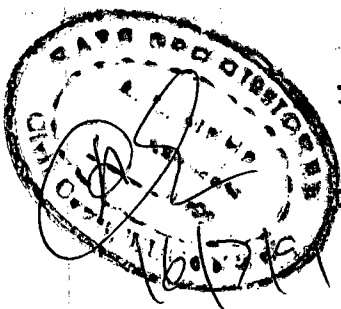


<u>1985-86</u>	<u>1986-87</u>
Opening balance(-)Rs.13460/-	(-)Rs.14336/-
Deposits Rs. 800/-	-----
Interest(-) Rs. 1676/-	(-)Rs. 173/-
<u>Total (-)Rs.14336/-</u>	<u>(-)Rs.14509/-</u>

Excess payment of Rs.14,509/- made to Shri K.C. Sharma towards his final G.P.F. amount was communicated to him vide letter G.P.F.II/P-IV/644 and 645 dt. 22-11-88. As an amount of Rs.1728/- was deducted from his Provisional D.C.R.G. the excess payment now comes Rs.12,781/- only.

The reasons for the discrepancy in the G.P.F. account No.P.T.(D)-18419 of Shri K.C.S-harma are explained hereunder :-

- (1) Shri K.C.Sharma was working in Sitapur H.O. till May,1972. Thereafter he was transferred to Kheri H.O. since there was no information about this transfer in the fund section, the credit of Rs.1120/- and final withdrawal of Rs.5000/- taken by him in Kheri remained unaccounted for while issuing account slip with a closing balance of Rs.11,522/- as on



A29

// 4 //

31-3-73. This mistake was corrected in the

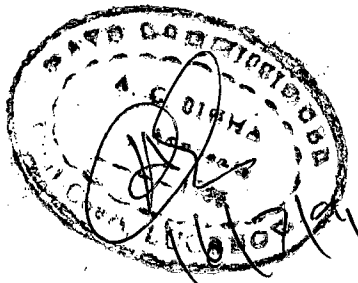
O/O D.P.A., Delhi on the other side of the ledger card and closing balance of Rs.7,425/- was arrived at by that office. But while copying out the balance in Lucknow Office, the incorrect balance of Rs.11,522/- was copied inadvertently and correct balance of Rs.7,425/- omitted.

(ii) On the basis of wrong O.B. of Rs.11,522/- in 1973-74 the closing balance for 1985-86 comes to Rs.(-)1934/-. Thus all the D.A.Slip for the intervening year were wrong as the basis (O.B.) for 1973-74 was itself wrong.

(iii) The yearwise correct balance on the basis of Rs.7,425/- (O.B. for 73-74) is given in the annexure. Which substantiates the recovery orders issued by this office.

(iv) The only point of consideration is that Shri K.C.Sharma is avoiding recovery of the (-)balance in G.P.F. by taking reverse to the wrong balance of Rs.11,522/- as C.B. on 31-3-73. He has

Contd...5/-



A30

// 5 //

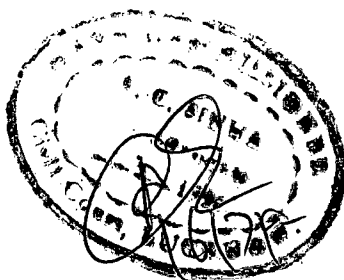
further stressed that this should be treated as correct as the same was transcribed in the D.A. Slip for that year.

(v)

A copy of Rule 39(2) of G.P.F.(CCS) Rules is attached which is imperative that Shri K.C.Sharma should have satisfied himself as to the correctness of the annual statement and errors brought to the notice of the Account Officer within 3 months. But it is unfortunate that the excess balance of Rs.4,097/- (11,522-7,425) on 31-3-73 was not pointed out by him till his retirement on 31-10-85. The motive behind this was that the excess balance which was an outcome of clerical error was in his favour and he took full advantage by taking advances from G.P.F. against this excess balance which was never deposited by him.

(vi)

In this circumstances the Department had the only choice to recover the excess amount of Rs.12,781/- from his dues.

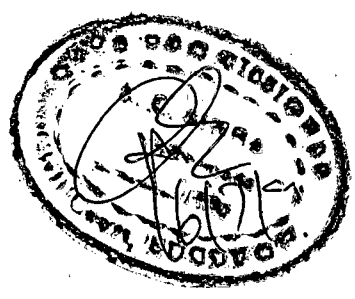


Contd...6/-

// 6 //

-. PARA-WISE COMMENTS :-

3. That the contents of paras 1 to 3 of the application need no comments.
4. That the contents of paras 4(1) to 4(3) need no comments.
5. That in reply to paras 4(4) and 4(5), it is admitted that the Annual Statement of G.P.F. Account of the applicant forwarded to the applicant for the year 1985-86 showed a minus balance of Rs.1,934/- but the G.P.F. account of the petitioner was scrutinised and re-casted for each financial year from 1953-54 till his retirement in 1985-86 (Annexure.R-1) on account of which the G.P.F.Account for the year 1985-86 and 1986-87 stands corrected as under :-



	<u>1985-86</u>	<u>1986-87</u>
Opening Balance	(-)Rs.13,460/-	(-)Rs.14,336/-
Deposits & Recoveries.	Rs. 880/-	-NIL-
Interest	(-)Rs.01,676/-	(-)Rs. 173/-
Total	(-)Rs.14,336/-	(-)Rs.14,509/-

contd..7/-

// 7 //

Out of Rs.14,509/-, an amount of Rs.1,728/- was deducted from his provisional D.C.R.G. towards G.P.F. thus the excess payment paid to the applicant towards his G.P.F. comes to Rs.12,781/- only.

6.

That in reply to para 4(6), it is stated that the amount indicated in Annexure.2 of the applicant was ~~working~~ wrongly paid to him as till then his G.P.F. account was not finally settled. Later on it was re-casted and the discrepancy in his G.P.F. account came to light. It was then found that an overdrawl of Rs.12,781/- was made by the applicant from his G.P.Fund.

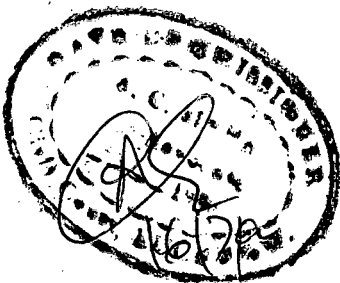
7.

That in reply to para 4(7), it is stated that when the petitioner failed to return the amount of Rs.14,509/- which was due from him on account of excess withdrawal from his G.P.Fund by him, the same was liable to be recovered from his pension relief. The excess amount of Rs.14,509/- stands corrected as Rs.12,781/-.

8.

That the contents of para 4(8) are denied.

Contd...8/-



// 8 //

Submissions made in para 5 and 6 above are reiterated. It is further submitted that a retiree should apply for final withdrawal of his G.P.F. six months before the date of his retirement but the applicant never applied for final withdrawal of his G.P.F. for obvious reasons. However, when the informations of his retirement was received by the deponent, his G.P.F. account was scrutinised for final settlement which revealed an overdrawal of Rs.14,509/- by the applicant. The said amount is corrected to Rs.12,781/-.

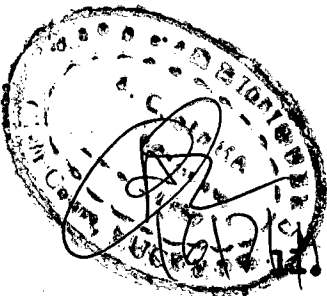
9. That the contents of para 4(9) are denied.

A copy of the calculation sheet of the G.P.F. amount payable to the petitioner on his retirement is being enclosed as Annexure.R-1.

10. That in reply to paras 4(10) and 4(11), it is stated that no representation dt.2-1-89 was received from the applicant.

That in reply to para 4(12), it is stated that a sum of Rs.1728.⁹⁸ was recovered from the

Contd...9/-



// 9 //

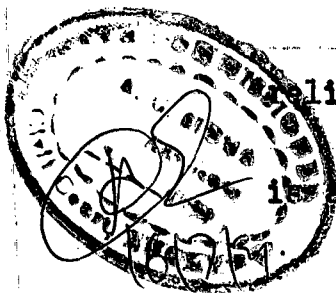
applicant by the Post Master, Sitapur in November, 1988 towards his G.P.F. Thus the outstanding amount against the applicant worked out to be Rs.12,781/- only.

12. That the grounds indicated in para 5 of the application have been adequately replied in the foregoing paragraphs.

13. That the contents of para 6 are denied. No representation dt.2-1-89 was received by the applicant.

14. That the contents of para 7 need no comments.

15. That in view of the submissions made in the above paragraphs the relief sought for in para 8 and the interim relief prayed for in para 9 are not admissible. The application has no merit and liable to be dismissed with costs and the interim relief granted by this Hon'ble Tribunal on 26-7-90 is also liable to be vacated.




(Deponent)

contd...10/-

A35

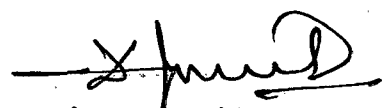
// 10 //

VERIFICATION :-


I, the above named deponent do hereby verify that
the contents of paras ¹ of this affidavit are
true to my personnal knowledge and those of paras ² to 15
are believed by me to be true based on records and as per
legal advise of my counsel. That nothing material facts
has been concealed and no part of it is false, so help
me God.


Signed and verified this the 16th day of July
1991 within the court compound at Lucknow.
Lucknow.

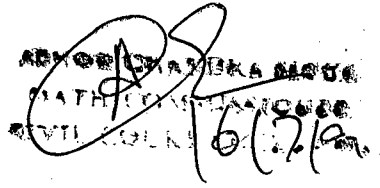
Dated; 16/7/91


(Deponent)

I identify the deponent who
signed before me.


(Advocate)


I have received this affidavit of the deponent
and have read the same and find that the contents
are true and correct and the deponent is a person
of sound mind and is capable of making an affidavit
and the same has been signed by him in the presence
of me and the Advocate.


16/7/91

Annex R-1
(2402)

936

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL), U.S. CIRCLE
502-E-RAY-BEHARILROAD, NEW HYDERABAD, LUCKNOW-226007

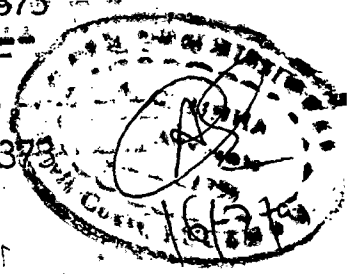
CALCULATION SHEET OF THE G.P.F. AMOUNT PAYABLE ON DEATH/DISMISSAL/
RESIGNATION/RETIREMENT.

1. Name of Subscriber; Shri K.C. SHARMA
2. G.P.F. Account No. PT(D) 18419
3. Date of event Retirement/Death/ 31-10-85
4. Month upto which Intt. Allowed: upto 8/72
5. Whether the amount from 1.4.73 has been received in detail and found in order (in case of posting whereas required with schedules/vouchers)
6. Closing balance as on 31.3.73 as certified list of balance & corrections received from D.A.P., Delhi.

Year 1953-54	Year 1954-55	Year 1955-56
O.B. Rs. <u>---</u>	O.B. Rs. <u>121</u>	O.B. Rs. <u>369</u>
D&RRs. <u>120</u>	D&RRs. <u>240</u>	D&RRs. <u>240</u>
Intt. Rs. <u>1</u>	Intt. Rs. <u>8</u>	Intt. Rs. <u>17</u>
Total Rs. <u>121</u>	Total Rs. <u>369</u>	Bonous Rs. <u>---</u>
W/D Rs. <u>---</u>	W/D Rs. <u>---</u>	Total Rs. <u>626</u>
C.B. Rs. <u>121</u>	C.B. Rs. <u>369</u>	W/D Rs. <u>---</u>
		C.B. Rs. <u>626</u>

Year 1956-57	1957-58	1958-59
O.B. <u>626</u>	O.B. <u>894</u>	O.B. <u>1172</u>
D&R <u>240</u>	A.D.A. <u>---</u>	D&R. <u>240</u>
Intt. <u>28</u>	A.I. <u>---</u>	Intt. <u>49</u>
Bonous <u>---</u>	Net O.B. <u>---</u>	Total <u>1461</u>
Total <u>894</u>	D&R <u>240</u>	W/D <u>---</u>
W/D <u>---</u>	Intt. <u>38</u>	Bonous <u>---</u>
C.B. <u>894</u>	Total <u>1172</u>	C.B. <u>1461</u>
	W/D <u>---</u>	

1959-60	1960-61	1961-62
O.B. <u>1461</u>	C.B. <u>1172</u>	O.B. <u>2071</u>
D&R <u>240</u>		D&R <u>240</u>
Intt. <u>58</u>		Intt. <u>62</u>
Total <u>1759</u>	O.B. <u>1621</u>	Total <u>2373</u>
W/D <u>138</u>	D&R <u>380</u>	W/D <u>---</u>
Bonous <u>---</u>	Intt. <u>970</u>	Bonous <u>---</u>
C.B. <u>1621</u>	Total <u>2071</u>	C.B. <u>2373</u>
	W/D <u>---</u>	
	Bonous <u>---</u>	
	C.B. <u>2071</u>	



A 37

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

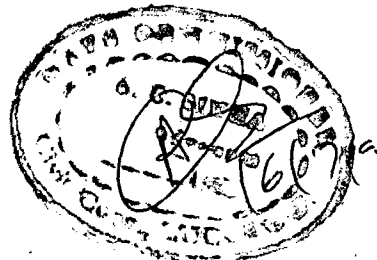
CALCULATION SHEET OF THE G.P.F. AMOUNT PAYABLE ON DEATH/DIS-
MISSAL/RESIGNATION/RETIREMENT.

1. Name of Subscriber; Shri K.C. SHARMA.
2. G.P.F. Account No/PT (D) 18419
3. Date of event Retirement/Death/ 31-10-85.
4. Month upto which Intt. Allowed 4/86.
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 &
collections received from D.A.P., Delhi.

Year 1973-74	Year 1974-75	Year 1975-76
D.B.Rs. <u>7425</u>	D.B.Rs. <u>9563</u>	D.B.Rs. <u>11994</u>
D&R.Rs. <u>1640</u>	D&R.Rs. <u>1680</u>	D&R.Rs. <u>1748</u>
Intt.Rs. <u>498</u>	Intt.Rs. <u>751</u>	Intt.Rs. <u>829</u>
Total.Rs. <u>9563</u>	Total.Rs. <u>11,994</u>	Bonus.Rs. <u>--</u>
W/D.Rs. <u>--</u>	W/D.Rs. <u>--</u>	Total.Rs. <u>14,571</u>
C.B.Rs. <u>9563</u>	C.B.Rs. <u>11,994</u>	W/D.Rs. <u>(-)4128</u>
		C.B.Rs. <u>10,443</u>
1976-77	1977-78	1978-79
D.B. <u>10,443</u>	D.B. <u>2794</u>	D.B. <u>1417</u>
D&R. <u>1824</u>	A.D.A. <u>--</u>	D&R. <u>2613</u>
Intt. <u>407</u>	A.I. <u>--</u>	Intt. <u>230</u>
Bonus. <u>--</u>	Net D.B. <u>2794</u>	Total. <u>4260</u>
Total. <u>12,674</u>	D&R. <u>1356</u>	W/D. <u>--</u>
W/D. <u>(-)9880</u>	Intt. <u>267</u>	Bonus. <u>--</u>
C.B. <u>2794</u>	Total. <u>4417</u>	C.B. <u>4260</u>
1979-80	1980-81	1981-82
D.B. <u>4260</u>	D.B. <u>7105</u>	D.B. <u>(-)2905</u>
D&R. <u>2400</u>	D&R. <u>1800</u>	D&R. <u>+ 1200</u>
Intt. <u>445</u>	Intt. <u>190</u>	Intt. <u>= 203</u>
Total. <u>7105</u>	Total. <u>9095</u>	Total. <u>= 1908</u>
W/D. <u>--</u>	W/D. <u>= 12000</u>	W/D. <u>--</u>
Bonus. <u>--</u>	Bonus. <u>--</u>	Bonus. <u>--</u>
C.B. <u>7105</u>	C.B. <u>(-)2905</u> (M)	C.B. <u>= 1908</u>

Contd....2/-

R.KUMAR
060401989*

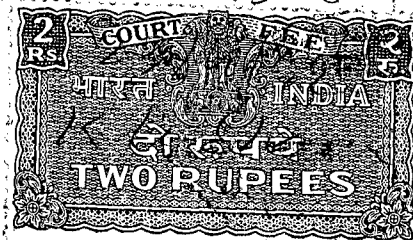


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In the Central Administrative Tribunal at Allahabad
Circuit Bench, Lucknow.

O.A. No. 234 of 1990 (L)

FF-13-8-S2



K.C. Sharma

... Applicant

Versus

Union of India & others

... Respondents.

REJOINDER AFFIDAVIT

I, K.C. Sharma, aged about 62 years, son of Nand Ram Sharma, resident of C-402, Civil Lines, Sitapur, the deponent, do hereby solemnly affirm and state as under:

1. That the deponent is sole applicant in the abovenoted case and as such he is fully conversant with the facts and circumstances of the case. He has read over and understood the contents of the counter-affidavit filed on behalf of opp. parties and is submitting his parawise replies as under.

2. That the contents of para 1 of CA do not call for any reply.

3. That with regard to para 2, it is stated that the details shown are totally incorrect because at the time of retirement of the applicant whatever was outstanding dues were adjusted as would be apparent from the letter annexed as Annexure no.2 to the petition. The outstanding dues were to the tune of Rs.2,007.92 paise only which were deducted from the



Filed today

15/7/92

K.C. Sharma

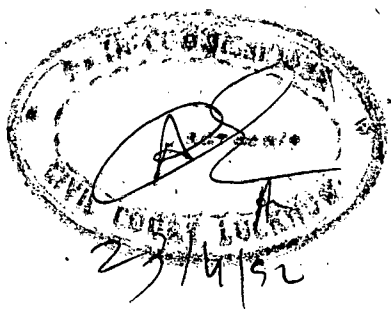
provisional amount which was paid to the applicant in accordance with the orders contained in Annexure no.2 ibid and thus there was nothing outstanding against the applicant. There was no question at all that any excess amount towards G.P.Fund was paid to the applicant to the tune of Rs.14,509.00 and therefore deductions to the tune of Rs.1728/- were ^{made} from the provisional D.C.R.G. The applicant submits that the deductions were illegally made and the applicant is liable to get the refund of this amount.

(i) The opp.parties have not shown as to what was the balance amount in G.P.Fund when the applicant has been allowed final withdrawal of Rs.5,000/- while posted in Kheri. Even after withdrawal of this amount the balance of amount was shown to be Rs.11,522/- or at any rate to the tune of Rs.7,425.00, as has been shown by the opp.parties.

(ii) From their own saying the D.A.Slip for the year 1985-86 shows the minus amount of Rs.1934.00 as per annexure no.8 to the petition.

(iii) Taking this figure of minus Rs.1934.00 in the year 1985-86, a recovery to the tune of Rs.2007.92 paise was affected as per annexure no.2 from the applicant at the time of his retirement as outstanding dues.

(iv) It is wrong that there was any minus balance amounts due against the applicant towards G.P.F. while the accounting of the amount was done by the opp. parties themselves. Further the difference in amount is hardly Rs.4000/- and odd but the opp.parties are deducting Rs.14,509/- which clearly a wrong figure.



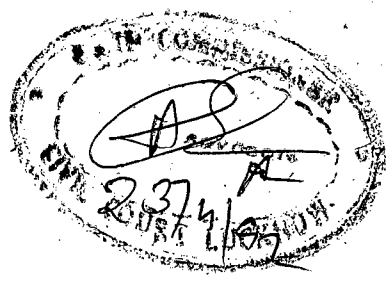
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(v) In this connection, it is stated that the account slips were given to the applicant showing minus account because deductions and contributions were made from his salary dues. The applicant had taken himself that the departmental authorities are correctly deducting the amounts and balancing the same correctly. It is ironical that the mistake was committed by the clerks for the excess balance of Rs.4,097/- but now the applicant is made to suffer for Rs.14,509/- as per their own saying in the para under reply.

(vi) In this connection it is stated that the amount shown for recovery is totally wrong and hence the opp.parties are not justified to recover the same from the pensionary benefits of the applicant.

4. That the contents of paragraphs 3 and 4 of CA need no comments.

5. That in reply to para 5, it is stated that once the account slip showed minus balance of Rs.1934/- how it became opening balance (-)Rs.13,460/- is a mystery in the absence of details. The applicant submits that he had not obtained any advances from his fund nor he could be allowed to do so especially when there was minus account. Thus on the face of it, the figure now shown is incorrect. Let the opp.parties be ordered to supply the details of such exorbitant amount shown as minus balance amount.



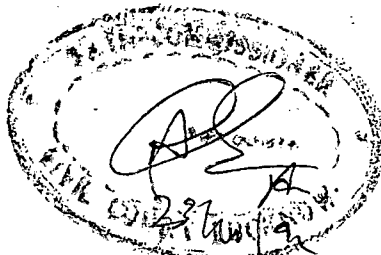
6. That in reply to para 6, the contents of para 4(6) of the petition are reiterated. The opp. parties have not disclosed as to when overdrawal to the tune of Rs.12,781/- was made by the applicant. The

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opposite parties be put to strict proof in this regard.

7. That in reply to para 7, the contents of para 4(7) of petition are reiterated. The applicant however submits that he has not obtained over and excess withdrawals from his G.P.Fund and hence the recovery being affected from him is illegal and arbitrary. Let the opp.parties be put to strict proof to prove their contentions. It is ironical that once the account was coming in minus figures, how the applicant could be allowed to draw excess amounts from his G.P.Fund.

8. That in reply to para 8, the contents of para 4(8) of petition are reiterated. It is further submitted that once the account of the applicant was running in minus balance which the applicant had taken as correct figures, therefore there was no question of moving the applicant for final withdrawal of G.P. Fund instead a recovery was affected from him as per Annexure no.2 to the petition. Let the opp.parties be put to strict proof to show as to how the applicant had withdrawn excess amount from his G.P.Fund account. The figure is obviously incorrect as per their own saying of opp.parties in para 3(v).



9. That in reply to para 9, the contents of para 4(9) of petition are reiterated to be correct. The calculation sheet annexed by the opp.parties is obviously wrong and the opp.parties be put to strict proof to show the excess withdrawals.

behl same

10. That in reply to para 10, the contents of corresponding paragraphs of petition are reiterated to be correct.

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11. That in reply to para 11, it is stated that the amount recovered was illegal and the applicant is liable to get the refund of the same. The applicant submits that there was no amount outstanding against him and thus the orders of recovery are totally incorrect.

12. That in reply to para 12, it is stated that the grounds urged in support of petition are legally tenable and the petition is liable to be allowed.

13. That in reply to para 13, it is stated that the applicant had made representation dated 2.1.89 which was duly got received by the applicant in the office of opp. parties.

14. That the contents of para 14 need no comments.

15. That the contents of para 15 are denied. The interim orders have rightly been passed by this Tribunal and they are just, equitable and are liable to be continue till final disposal of petition.

Lucknow, dated
23.4.1992.

[Signature]
Deponent.

Verification:- I, the abovenamed deponent, do hereby verify that the contents of paras 1 to 15 are true to my own knowledge.

Signed and verified this 23rd day of April, 1992 in Collectorate Compound at Lucknow.

Lucknow, dated
23.4.1992.

[Signature]
Deponent.

I identify the deponent who has signed before me.

[Signature]
Advocate.
[Signature]

