

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH
QA/TA/RA/CP/MA/PT 234/90 of 20.....

K-C. Sharma..... Applicant(S)

Versus

..... Respondent(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 19⁶⁴

APPLICANT(S) K. C. Sharma

REPRESENTANT(S) U.O.C.

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent? Y
2. a) Is the application in the prescribed form? Y
- b) Is the application in paper book form? Y
- c) Have six complete sets of the application been filed? Y
3. a) Is the appeal in time? Y
- b) If not, by how many days it is beyond time? Y
- c) Has sufficient cause for not making the application in time, been filed? Y
4. Has the document of authorisation Vakalatnama been filed? Y
5. Is the application accompanied by R.D./Postal Order for Rs.50/- Y
6. Has the certified copy/copies of the order(s) against which the application is made been filed? Y
7. a) Have the copies of the document relied upon by the applicant and mentioned in the application, been filed? Y
- b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? Y
- c) Are the documents referred to in (a) above neatly typed in double space? Y
8. Has the index of documents been filed and paginated properly? Y
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? Y
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal? N

11. Are the application/duplicate copy/space copies/stamps? a) Identical with the original? b) Defective? c) Wanting in Annexures? d) Nos. of pages?

12. Are extra copies of the application with Annexures filled? a) Identical with the original?

13. Are the application/duplicate copy/space copies/stamps? a) Identical with the original?

14. Are the given address the registered address? Do the names of the parties stated in the copies tally with those indicated in the application?

15. Are the given size envelopes bearing full addresses of the beneficiaries filled? Do the names of the parties stated in the copies tally with those indicated in the application?

16. Are the given address the registered address? Do the names of the parties stated in the copies tally with those indicated in the application?

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? e) Have the particulars for interim orders prepared for exchange?

18. Have the particulars for interim orders prepared for exchange? a) Whether all the remedies have reasons? b) Whether all the remedies have reasons?

dt�nash

26.7.1990

①

Hon'ble Mr. Justice K. Nath, V.C.
Hon'ble Mr. K. Obayya, A.M.

AR

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.

See
 original order
 on
 main petition

OR

Notice issued
On

1-8-90

W.D.F.

Sd/-
 A.M.

Sd/-
 V.C.

rrm/

OR
 Notices were issued
 on 1.8.90 by Repd. Post.

Neither reply nor any
 unsworn repd. copy has
 been return before.

Submitted for order.

8/8/90

13.8.90

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

He for the applicant,
 Sri P.L. registers & he for
 the rephr. Sri Dr. D. Chandra
 are present. Dr. D. Chandra
 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.

Dear
 JM

Pls 13/8 OR
 A.M. No reply filed
 S.F.O.
 5/9/90

(3)

O-A 234/90

10-9-90

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

AB

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 respondent ~~to~~ to apply for
 modification of stay order. If so
 desired, after filing the counter,
 will fix hearing on 29-10-90.

Copy of the order be given to
 Counsel for respondent within 2 days

(4)

A

H. N. L.

DIN

AB
MC

29.10.90

(3)

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 Sittings adj. to 29.8.91

29.8.91

Citing
L 10/17

No Sittings adj. to 6.11.91

g

CA filed along with Am.
 for condonation of delay
 410 91 L

No RA filed
 stay is granted
 S.P. 4

17/11/91

29.6.92Noticing of D.B.-adft
13-8.92

OK
R.A. filed
on 10.7.92 13-8.92
S.F. 21.
B
16.7.92

d

No. 8.92
do 28.92

d

28.9.92No. 8.92
do 12.11.92

d

12.11.92No. 8.92
do 21.12.92

d

21.12.92 - No setting odd to 17.2.93

d

9
OK (Method)
for
+
10/10/93

No setting odd to 30/3/93 L

OK
OK (Method)
for
+
10/10/93

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.)

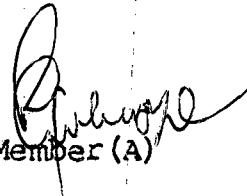
The applicant after attaining the age of superannuation had retired from service on 28.10.1985 vide order of the Superintendent of Post Offices, Sitapur. His provisional pension was fixed vide order dated 11.11.1985 and his provisional DCRG was also paid to the tune of Rs. 22,489.40 paise. The applicant 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.

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 ~~at~~ 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~~ 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,

- 3 -

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 89

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

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
S. L. M.
26/7/90

Lucknow, dated,
25.7.90

(P. L. MISRA)
Advocate.

Counsel for the petitioner.

Sub Envs

Ans
Sub

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 ADMINISTRATIVE TRIBUNALS ACT, 1985

Details of Application:

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.

Verma
Chowdhury

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 23.10.1985, 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 DCPG 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.

 D.S. Dab.

(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 hindrence.

(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 DORG/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.1728.00 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.

Replies come
Ans
Ans

(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

Replies

Dev

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 50/-

Postal Order No. 02414732 dated 24-7-90

12. List of enclosures:

Verdict Annexures 1 to 6 are filed as detailed above.

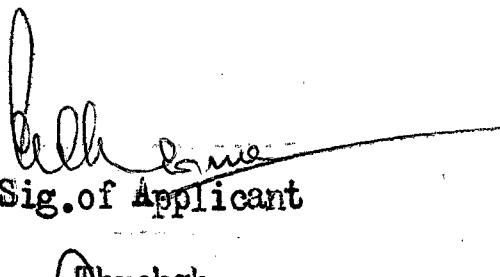
Verification

Om Pali

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 Plaintiff Sri. K.C.
Sharma and Signature Verified.


Advocate

In the Central Administrative tribunal Lucknow Bench

AIS

Lucknow
Case No. 190
Date: 10/10/88
Sitarpur

6

K. C. Sharma

Petitioner

Union of India & others

Def. Parties

Ann: 4

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.Sharma
holder of GPF A/C No.PTD-18419.

In this connection it is intimated that on recasting
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 amount 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.S.Rajpuri,
Post Master,
SITAPUR, U.P.

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 the above mentioned official and ask the Post
Master, Sitarpur to credit the amount under in GPF
A/C No.PTD-18419.
2. Copy to Shri K.C.Sharma, C/O P.M., Sitarpur for infor-
mation. He is requested to kindly deposit overdrawn
amount of Rs.14509-00.

Accounts Officer(GPF).

178 - 141-00
178 - 21-88
178 - 12-88
138 - 1-3-88
138 - 1-4-88
108 - 1-5-88
108 - 1-6-88
108 - 1-7-88

Signature

Signature

In the Central Administrative tribunal Lucknow Bench
Lucknow.

Case No. of 1990
Dist. Sitapur

K. C. Sharma Petitioner

Union of India & others

Ann: 6 Obj. Parties

Received 1-6-90

OFFICE OF THE DIRECTOR OF ACCOUNTS (CIVIL) U.T. CIRCLE,
14, GANDHI MARG, LANE, ROAD, NEW HYDERABAD, HYDERABAD-226002.

To,

The Post Master
Sitapur

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

Dated: 15/10/90

Subject:- Minus balance of Rs. 11,310/- in GPF A/C No. 11941-
of Shri 1. C. S. S. S.

Sir,

I am directed to invite a reference of this office letter
No. G.P.F. 2/1/3/1990 dated 15.10.1990 in 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/295

Dated: 30/10/90.

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

ASSTT.CHIEF ACCOUNTS OFFICER.

R.K./4/90.

filed

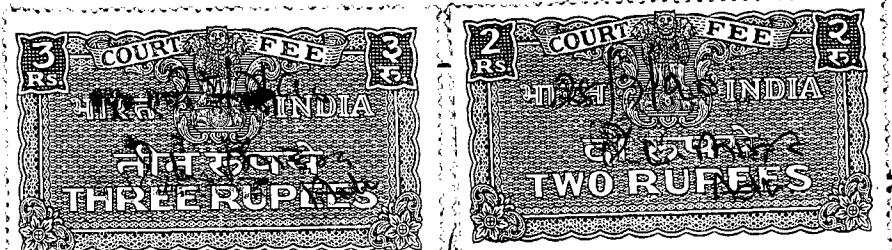
Chancery

(9)

A18

ब अदालत श्रीमान
(बादो अपीलान्ट)

प्रतिवादी [रेप्पलेट्ट]



वकालतनामा

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

मुकद्दमा निराला नगर द्वारा

कोई विलम्ब नहीं किया गया

रु. ४४८ लिए जाएंगे

वकील

महोदय

एडवोकेट

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 लौटाव या हमारी ओर से डिगरी जारी करावे और रुपया बसूल 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 कायंबाही 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)

दिनांक महीना सन् १६ } ई०

स्वीकृत

Adv.

Joe C. Advocate

In the Central Administrative Tribunal, Lucknow Bench,
Lucknow.

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

K.C.Sharma ... Applicant
Vs.
Union of India & others ... Opp. Parties.

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(P.L. Misra)

The Media
Advocate

Lucknow, dated
25.7.1990

Advocate
Counsel for the Petitioner.

In the Central Administrative tribunal, Lucknow Bench,
Lucknow.

Case No. of 1990
Dist. Sitapur

K. C. Sharma

Petitioner

Union of India & others

obj. Parties

Ann: 1

10

A19

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

Memo No. B/LSG/K.C. Sharma,

Dated at Sitapur the, 28.10.85.

Sri K.C. Sharma 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.

Abdul Yous

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/-

Belhame

Am 16/10/85

*T.C
Jas
Dav*

Pay 56/-
Dad 238/-
ADA 554/-
2428 79.80

PP 100/-
Ets 20/-

120.

1428.80

In the Central Administrative tribunal Lucknow Bench,
Lucknow.

Case No. of 1990
Date: 11.11.1990
Place: Sitapur

K.C. Sharma

Petitioner

Union of India & others

Def. Parties

Ann: 2

26/11

A20

DEPARTMENT OF P.O.T.O.
GOVERNMENT OF INDIA

Ann. 2

KNWLN KXKKW XNA

OFFICE OF THE SUPERINTENDENT OF POST OFFICES SITAPUR DIVISION

MEMO NO. C/Pun/K.C.Sharma Dated Sitapur the 11.11.85

In accordance with Rule 64 of CIS (Pension) Rules 1972 and instructions contained in C.M. No. 72-5/84-Pension unit dated 21.6.1985, from Sri S.R.KHIR Deputy Secretary to the Govt. of India, Ministry of Personnel and Training Administration Reforms and public grievances and pension (Department of Pensions and Pensioner 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.Sixhundredninetyone & Personal pension Rs.Onehundredtwentythree) only per month to Shri K.C.Sharma LSC S.P.M.Khairabad Retired on superannuation on 31.10.1985 R.N.

A sum of Rs.22489.40 Rs.Twentytwothousandfourhundredeighty nine & Paise forty only being the amount of provisional DRCG 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). OP GPF	Rs.1728.00

Total Rs.200392

(Rs.Twothousandseven and Paise ninetytwo)only.

The sanction will remain valid for a period of six months from the date of 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

Siddiqi/-

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
Omar Sarker

In the Central Administrative tribunal Lucknow Bench
 Lucknow
 Case No. of
 Sitapur
 K. C. Sharma

Union of India & others

Petitioner

Dept. Partners

T. 81
 Paragraph 431)

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

Y.M.A.R. 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

Designation

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

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

With reference 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 reason given on circle.

J. C. Sharma

8/12

8/21

In the Central Administrative tribunal Lucknow Bench

413

Class No. of 1990
District: Sitabur

122

K. C. Sharmer

Petitioner

Union of India & others

Ann: 4

Obst. Pantreas

**P.S.MATHUR,
ACCOUNTS OF**

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

Dated: -11-88.

Dear Sirs:

Kindly refer to your letter No.A.7/GPF/88/pt.

30-9-86 regarding GPF minus balance case of Shri K.C.Sherma holder of GPF A/C No.PTD-18419.

In this connection it is intimated that on recasting
ing of GPF accounts on account 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 DCHG/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.Bajpe,
Post Master,
SITAPUR, H.O.

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/- (Ru.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 information. He is requested to kindly deposit overdrawn amount of Rs.14509/-.

Accounts Officer(GPF).

100	100	178	111.00
300	100	138	21.00
400	100	138	12.00
500	100	138	13.00
600	100	118	14.00
700	100	118	15.00
800	100	118	16.00

J. C.
John
Dohr

Believe me

5/14

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)0/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.

Dated: 2.1.89

True copy

Yours faithfully,
Sd. K.C. Sharma
Retd. I.S.G. Khairabad
402, Civil Lines, Sitapur.

K.C. Sharma

True copy

In the Central Administrative Tribunal Lucknow Bench 15

Lucknow.

Case No. of 1990
Dist. Sitapur

K. C. Sharma

Petitioner A74

Union of India & others v

Ann: 6 Obj. Parties

Received 1-6-90

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL) U.P. CIRCLE,
242, RAILWAY MILE 14, ROAD, NEW HYDERABAD, U.P. PIN-226002.

To,

The Post Master
Sub-Post Master.

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

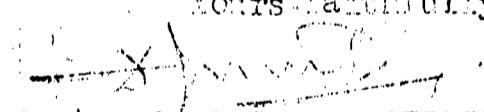
Dated: 15/7/90

Subject:- Minus Balance of Rs. 113.10 in GPF A/C No. 1111111111 -
of Shri 1. C. (1) 1111111111

Sir,

I am directed to invite a reference of this office letter No. G.P.F. 2/1/1990 dated 15/7/90 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,

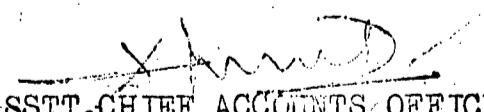

ASSTT. CHIEF ACCOUNTS OFFICER.

NO.GPF.Cell/Minus Balance/295

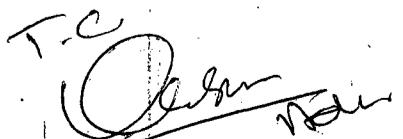
Dated: 30/7/90.

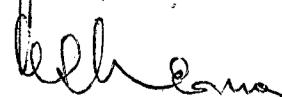
Copy for information and necessary action to Shri/Smt.....

.....
.....
.....


ASSTT. CHIEF ACCOUNTS OFFICER.

R.K./4/90.


T.C. Sharma


T.C. Sharma

A28

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

Misc. Application No. 410 of 1991 (L)

on behalf Respondents.

IN

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

K.C.Sharma Applicant.

"Versus"

Union of India & Others Respondents.

APPLICATION FOR CONDONATION OF DELAY.

1.

The respondents respectfully beg to submit as under:-
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 proved 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: 10-7-91

(DR.DINESH CHANDRA)

Counsel for the Respondents.

A76

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.SharmaApplicant.

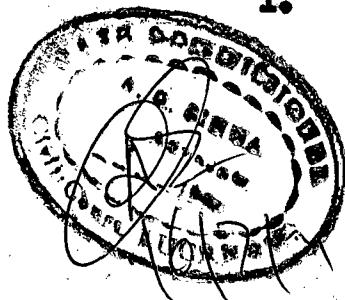
Versus

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

I,C. D. Joshiaged about
....57....years,....presently....Assistant Chief.....
.....Account Officer in the S/o. Director of Posts, Postal Order

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.

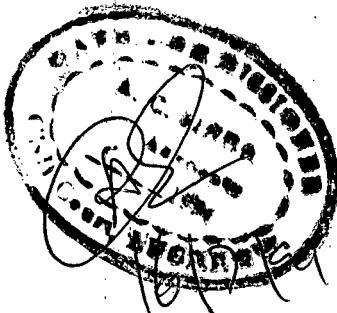
That it will be worth while to give a brief

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 begining 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/-



11311

AN20

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

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.

S J M
The reasons for the discrepancy in the G.P.F. account No.P.T.(D)-18419 of Shri K.C.S-sharma 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 trans-

fer 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

11411

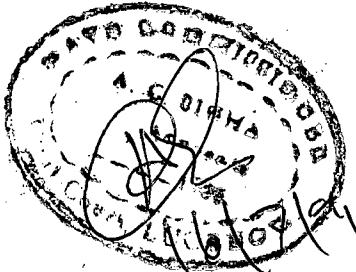
31-3-73. This mistake was corrected in the O/o D.P.A., Delhi on the other side of the ledger card and closing balance of Rs.7,425/- was arrived at by that office. But while copying out the balance in Lucknow Office, the incorrect balance of Rs.11,522/- was copied inadvertently and correct balance of 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/-



11611

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

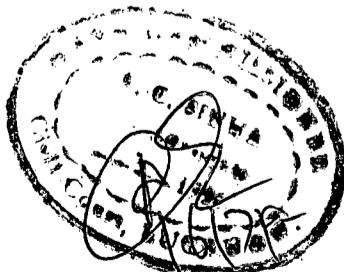
Slip for that year.

(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/-

116 11

:- PARA-WISE COMMENTS :-

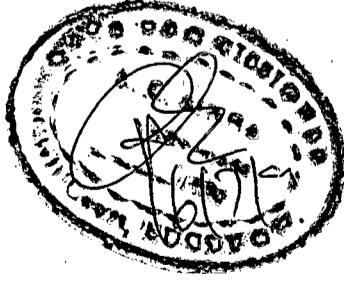
3. That the contents of paras 1 to 3 of the application need no comments.

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/-



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.

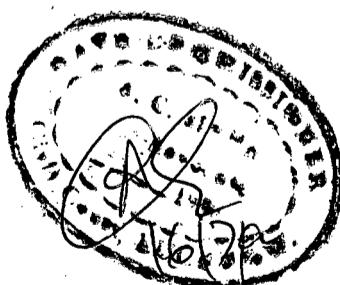
6. That in reply to para 4(6), it is stated

that the amount indicated in Annexure.2 of the applicant was 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 overdraft 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.



11811

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/-.

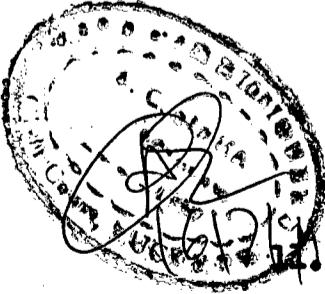
9.

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

~~Exhibit D~~
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

11911

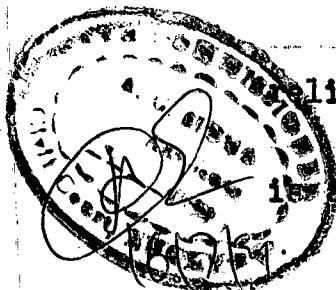
applicant by the Post Master, Sitapur in November, 1988 towards his G.P.F. Thus the outstanding amount against the applicant worked out to be Rs.12,781/- only.

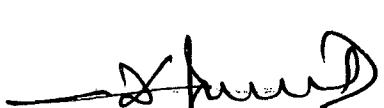
12. That the grounds indicated in para 5 of the application have been adequately replied in the foregoing paragraphs.

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

11 10 11

VERIFICATION :-

I, the above named deponent do hereby verify that
the contents of paras 1 of this affidavit are
true to my personal 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 16/7/11 day of July
1991 within the court compound at Lucknow.

Lucknow.

Dated; 16/7/91

S. J. Mehta
(Deponent)

I identify the deponent who
signed before me.

1. I have referred myself to examining the
deponent, test, et. undersigned. The substance
of this affidavit, and the facts set out
therein are true and accurate
as obtained by the deponent.

D. C. Mehta
(Advocate)

ABDOOR CHAMBERS NO. 10
MATHURA ROAD
NEW DELHI
16/7/91

Annex R-1

(240)

AB6

OFFICE OF THE DIRECTOR OF ACCOUNTS(POSTAL), U.P. CIRCLE
202-E-RAY-BEHARILROAD, NEW HYDERABAD, LUCKNOW-26007

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

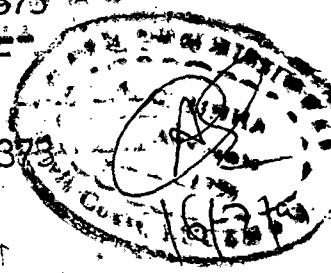
1. Name of Subscriber; Shri K.C. SHARMA
2. G.P.F. Account No.PT(D) 18419
3. Date of event Retirement/Death/ 31-10-85
4. Month upto which Intt. Allowed; upto 8/72
5. Whether the amount from 1.4.73 has been received in detail and found in order (in case of posting whether required with schedules/vouchers)
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>121</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>	BonousRs. <u>11</u>
W/D Rs. <u>121</u>	W/D Rs. <u>121</u>	Total Rs. <u>626</u>
C.B. Rs. <u>121</u>	C.B.Rs. <u>369</u>	W/D.Rs. <u>121</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>1192</u>
D&R <u>240</u>	A.D.A. <u>22</u>	D&R <u>240</u>
Intt. <u>28</u>	A.I. <u>22</u>	Intt. <u>40</u>
Bonous <u>11</u>	Net O.B. <u>11</u>	Total <u>1461</u>
Total <u>894</u>	D&R <u>240</u>	W/D <u>11</u>
W/D <u>11</u>	Intt. <u>38</u>	Bonous <u>11</u>
C.B. <u>894</u>	Total <u>1172</u>	C.B. <u>1461</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>	1960-61	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>11</u>
Bonous <u>11</u>	Intt. <u>970</u>	Bonous <u>11</u>
C.B. <u>1621</u>	Total <u>2071</u>	C.B. <u>2373</u>
	W/D <u>11</u>	
	Bonous <u>11</u>	
	C.B. <u>2071</u>	

P.T.O.



OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL), U.P.CIRCLE,
SAVANNAH RAI BHARI LAL ROAD, NEW HYDERABAD, LUCKNOW-226027.

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 Intit. Allowance 4/86
5. Whether the amount from A-4473 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

O.B.Rs.	<u>7425</u>
D&R.Rs.	<u>1640</u>
Intt.Rs.	<u>498</u>
Total.Rs.	<u>9563</u>
W/D.Rs.	<u>--</u>
C.B.Rs.	<u>9563</u>

Year 1974-75

O.B.Rs.	<u>9563</u>
D&R.Rs.	<u>1680</u>
Intt.Rs.	<u>751</u>
Total.Rs.	<u>11,994</u>
W/D.Rs.	<u>--</u>
C.B.Rs.	<u>11,994</u>

Year 1975-76

O.B.Rs.	<u>11994</u>
D&R.Rs.	<u>1748</u>
Intt.Rs.	<u>829</u>
Bonus.Rs.	<u>--</u>
Total.Rs.	<u>14,521</u>
W/D.Rs. (-)	<u>4128</u>
C.B.Rs.	<u>10,443</u>

1976-77

O.B.	<u>10,443</u>
D&R.	<u>1824</u>
Intt.	<u>407</u>
Bonus.	<u>--</u>
Total.	<u>12,674</u>
W/D. (-)	<u>9880</u>
C.B.	<u>2794</u>

1977-78

O.B.	<u>2794</u>
A.D.A.	<u>--</u>
A.I.	<u>--</u>
Net O.B.	<u>2794</u>
D&R.	<u>1356</u>
Intt.	<u>267</u>
Total.	<u>4417</u>
W/D. (-)	<u>3,000</u>

1978-79

O.B.	<u>1417</u>
D&R.	<u>2613</u>
Intt.	<u>230</u>
Total.	<u>4260</u>
W/D.	<u>--</u>
Bonus.	<u>--</u>
C.B.	<u>4260</u>

1979-80

O.B.	<u>4260</u>
D&R.	<u>2400</u>
Intt.	<u>445</u>
Total.	<u>7105</u>
W/D.	<u>--</u>
Bonus.	<u>--</u>
C.B.	<u>7105</u>

1980-81

O.B.	<u>7105</u>
D&R.	<u>1800</u>
Intt.	<u>190</u>
Total.	<u>9095</u>
W/D. (-)	<u>12000</u>
Bonus.	<u>--</u>

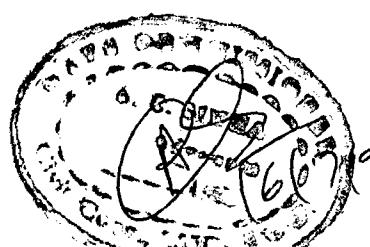
1981-82

O.B. (-)	<u>2905</u>
D&R.	<u>+ 1200</u>
Intt.	<u>- 203</u>
Total.	<u>1908</u>
W/D.	<u>--</u>
Bonus.	<u>--</u>
C.B.	<u>1908</u>

Bonus. --
C.B. (-) 2905 (M)

Contd....2/-

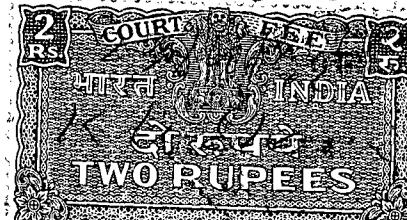
R.KUMAR
060401989*



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

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

FF 13-0-82



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

16/7/92

Belhara

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 B.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.



Replies

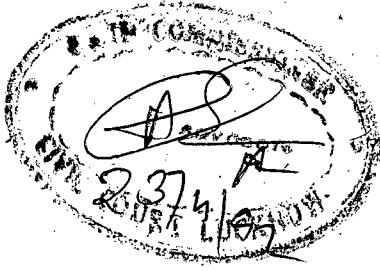
(v) In this connection, it is stated that the account slips were given to the applicant showing minus account because deductions and contributions were made from his salary dues. The applicant had taken himself that the departmental authorities are correctly deducting the amounts and balancing the same 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



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.

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

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.

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.

I identify the deponent who has signed before me.

Deponent _____
deponent who has
Mr. John P. Minney
Advocate. Ad