

(2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CAMP AT NAGPUR.

Original Application No.142/91

Shri Kishore Dattatraya Deshpande,
Ex. Ch'man Gr.I(T), Ordnance
Factory, Bhandara.

... Applicant.

V/s.

General Manager,
Ordnance Factory, Bhandara.

... Respondent.

Appearances

Applicant by Shri Kishore
Dattatraya Deshpande.

Respondent by Shri Ramesh Darda.

Oral Judgement

¶ Per Shri P.S.CHAUDHURI, Member (A) ¶

Dated:25.4.1991.

This application under section 19 of the Administrative Tribunal Act, 1985 was filed on 20.3.1991. In it the applicant who was working as Chargeman Gr.I (T) at Ordnance Factory, Bhandara is challenging failure of the Respondents to pay him his GPF in full and is claiming interest on the arrears and costs.

2. We have heard ^{the} Applicant in person and Shri Ramesh Darda, learned counsel for the respondents.

3. It is not disputed that the applicant proceeded on voluntary retirement w.e.f. 31.1.1990(AN). Contingency bill for Rs. 54,729/- as final payment of GPF assests was made out in his favour on 8.1.1990, but this was passed for only Rs. 53,601/- which amount was paid to the applicant on 2.2.90. It is the applicant's case that this deduction of Rs. 494/- which represents the interest due for January 1990 was incorrect and illegal.

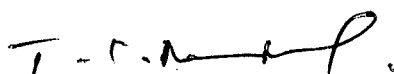
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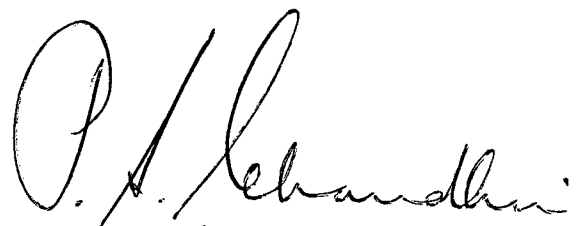
4. Mr. Darda submits that the cause of action no longer survive as a sum of Rs. 494/- has since been passed for payment by order dated 9.4.91.

The applicant
5. ~~Mr. Darda~~ then pressed for the award of costs. We are not impressed with the grounds adduced in favour of this prayer as the party who, on the applicants' own submission, withheld the payment has not been subsequently impleaded in the application. In this view of the matter we do not see adequate justification for the award of costs in this case.

6. Against this background we are of the opinion that this application no longer survives and we propose to dispose it of accordingly.

7. This application is accordingly disposed of at the admission stage itself as no longer surviving. In the circumstances ^{of the case,} there will be no order as to costs.


(T.C. REDDY.)
MEMBER (J)


(P.S. CHAUDHURI.)
MEMBER (A)