

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

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AT HYDERABAD

O.A. No. 304/91

33
C.A. NO.

Dt. of Decision 3.2.1993

V.Viknanda

Petitioner

Mr.K.Sudhakar Reddy

Advocate for
the petitioner
(s)

Versus

Pay & Accounts Officer, Min. of Water Resources,

New Delhi and another.

Respondent.

Mr.N.V.Ramana

Advocate for
the Respondent
(s)

CORAM

THE HON'BLE MR. T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1, 2, 4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

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T.S.R
(HTCSK)
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(63)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 304/91

Date of Order: 3.2.1993

BETWEEN :

V. Vivekananda

.. Applicant.

A N D

1. Pay and Accounts Officer,
Ministry of Water Resources,
E. Block, Shastri Bhavan,
New Delhi.

2. Pay and Accounts Officer,
Central Water Commission,
7th Floor, Sewa Bhavan,
R.K.Puram, New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr. K. Sudhakar Reddy

Counsel for the Respondents

.. Mr. N. V. Ramana

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUD L.)

T. C. R.

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This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to pay GPR balance amount Rs.27,219/- with interest and CGEIS amount Rs.3,964/- with interest and interest on DCRG amount Rs.1000/- and pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. Counter is filed by the respondents opposing this O.A. and reply is also filed by the applicant to the counter of the respondents.

3. Today we have heard Mr. K.Sudhakar Reddy, Advocate for the applicant and Mr.V.Rajeswara Rao for Mr.N.V.Ramana, Standing Counsel for the respondents.

4. The applicant is retired Assistant Director in office of the respondents. The applicant retired on 31.7.89. We are not satisfied about the claim, the applicant had made for payment of interest on CGEIS amount, and interest on DCRG amount, as the CGEIS amount of Rs.3,964/- on which the applicant had claimed interest and also D.C.R.G. had been already paid to the applicant. Hence we reject the claim of the applicant for payment of interest on CGEIS amount and also interest on DCRG amount.

5. When the application was taken up for hearing Mr.K.Sudhakar Reddy, Advocate for the applicant submitted that he is entitled to the G.P.F. claim for a sum of Rs.17 only as per the statement made in the balancesheet of the respondents in the year 1989.

6. In view of the contentions raised on behalf of applicant that the GPF amount had been wrongly withheld by the respondents and in view of the stand taken by respondents that there were missing debits of Rs.10/-

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1368/-, and 1608/- for the years 1967, 1969 and 1973 in the G.P.F. account of the applicant, we thought it fit to send for the required records relating to the G.P.F. account of the applicant. As a matter of fact the case of the respondents is that the applicant had withdrawn a sum of Rs. 1000/- in the month of November, 1967, Rs. 1368/- in the month of November 1969 and Rs. 1608/- in the month of March 1973 from his G.P.F. account. We have perused today the ledger extract relating to the G.P.F. account of the applicant. The ledger extract shows only 2 withdrawals Rs. 1000/- and Rs. 1308/- of the years 1967 and 1969. There is no debit entry in the account of the applicant in the said extract of the G.P.F. ledger for the month of March 1973. If the applicant had withdrawn the amount of Rs. 1608/- as contended by the respondents for the month of March 1973, we are unable

debit

understand as to why the corresponding debit entry was not made in the ledger of the G.P.F. account of the applicant. So, from the absence of the entry of withdrawal of Rs. 1608/- in the G.P.F. ledger relating to the applicant the only inference that has got to be drawn is, that the applicant had not withdrawn the said sum of Rs. 1608/- as contended by the respondents in the month of March 1973. So, the action of the respondents in withholding the said amount of Rs. 1608 together with interest from the G.P.F. that is payable to the applicant is not valid.

7. In view of the debit entries made in the ledger extract of the G.P.F. account of the applicant it is clear that the applicant had withdrawn a sum of Rs. 1000/- and Rs. 1368/- in November 1967 and in the month of November 1969 respectively from his G.P.F. account. So, we don't have any difficulty to come to the conclusion due to the said withdrawals that applicant is liable to repay the same. But the contention the applicant is, that the withdrawals he had made in the

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year 1967 and 1969 had been recovered long back by the respondents. We have already held that the withdrawal of Rs.1608/- in the month of March 1973 is not true, due to the absence of the debit entry in the G.P.F. ledger as already indicated. But the fact that certain deductions were made by the respondents for the withdrawals the applicant had made from his G.P.F. amount in the years 1967 and 1969 from the salary of the applicant is not in doubt. Mr.V.Rajeswara Rao for Mr.N.V.Ramana, Standing Counsel for the respondents produced a letter dated 18.1.1993 written by the Audit Officer to the Pay and Accounts Officer, Central Water Commission, New Delhi. For the sake of convenience the entire letter is extracted as under:-

"Please refer to your D.O.Letter No.WR/PAO/CNC/Admn-I/Vivekanand/PF/2005 dated 12.1.93 regarding furnishing of original applications of Shri V.Vivekanand for drawal of Temporary Advance/withdrawals of Rs.1000/- in 11/67, Rs.1368/- in 11/69 and Rs.1608/- in 3/73 paid in 4/73 shown as missing in ledger Card No.IPP-882 to be submitted to the C.A.T. Hyderabad in case No.O.A.304/91 filed by the subscriber.

The photocopies of the Ledger records bearing No.IPP-WM.882 for the years 1967-68, 1969-70, 1972-73, 1973-74 and 1974-75 are enclosed to enable you to produce the same before the Tribunal. The sanction letters No. in respect of missing Debits of Rs.1000/- and Rs.1368/- stand noted on the ledgers for the year 1967-68 and 1969-70 respectively. As regard the missing Debit for the month of 3/73 paid in 4/73 the same has been shown as missing on the basis of recovery at the rate of Rs.67/- P.M. started from the month 5/73. The sanction No./voucher dt. may please be obtained from the concerned D.D.O."

So, from the said letter it is quite evident that certain recoveries had been made for the qithdrawals the applicant had made from his G.P.F. amount. So, the said recoveries should naturally be for the withdrawals the applicant had made in the years 1967 and 1969. Hence any recovery that had been effected towards withdrawals of the G.P.F. amount by the applicant had got to be adjusted only for the withdrawals of the years 1967 and 1969. So, the respondents are liable to

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pay the balance of the G.P.F. amount to the applicant after adjusting the recoveries that are already made towards the withdrawals of the years 1967 and 1969. The respondents are also ~~pm~~ liable to pay interest at 9% per annum from the date the G.P.F. became due till the date of actual payment. O.A. is allowed accordingly as indicated above. The respondents shall implement this order within three months from the date of the communication of the same.

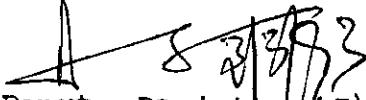
The parties shall bear their own costs in the circumstances of this case.

T. Chandrasekhar Reddy

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 3rd February, 1993

(Dictated in Open Court)


Deputy Registrar (J)

To

1. The Pay and Accounts Officer, Ministry of Water Resources,
sd E.Block, Shastri Bhavan, New Delhi.
2. The Pay and Accounts Officer,
Central Water Commission, 7th Floor,
Sewa Bhavan, R.K.Puram, New Delhi.
3. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One spare copy.

pvm

P.S. Dorn
3/3/93