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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.901/92

Date of Order: 26.3.1993

BETWEEN:

T.R.Janardhan

.. Applicant.

A N D

1. The Union of India, rep. by
Secretary to Government
Defence Ministry, New Delhi.
2. The Union of India, rep. by
Joint Controller of Defence
Accounts-Funds, Office at
Meerut Cantonment, (U.P.).
3. Officer-in-Charge,
E.M.E.Records,
Secunderabad - 500 021.

.. Respondents.

Counsel for the Applicant

.. Mr.N.Raghavan

Counsel for the Respondents

.. Mr.M.Jaganmohan
Reddy

CORAM:

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

Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.).

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to refund and release to the applicant the sum of Rs.13,457/- ^{Rs.13,457/-} ~~Rs.13,457/-~~ said to have been withheld from the Provident Fund of the applicant towards interest, alleged temporary withdrawal together with interest and for certain other reliefs.

2. The facts giving rise to this O.A. in brief are as follows:-

3. The applicant was employed as an Office Superintendent in Grade-II, in the Office of E.M.E. Records, Secunderabad. He retired on 30.4.1991.

4. While in service the applicant had withdrawn from his G.P.F. Account a sum of Rs.5,700/- in the month of July, 1980 (3.7.1980) towards part final withdrawal. There appears to have been some mistake on the part of the respondents in not debiting the said withdrawal in the G.P.F. account of the applicant. The applicant had availed temporary withdrawal of Rs.1,690/- (G.P.F. advance towards loan) from his Provident Fund in August 1981. According to the applicant the temporary advance (G.P.F. Advance) had been recovered from the salary of the applicant at the rate of 60/- p.m. for 28 months. According to the applicant he had discharged the entire G.P.F. loan of Rs.1,690/- which he had borrowed from the Provident Fund by the end of the year 1983. While so, an order dt. 4.4.1991 had been issued with regard to final settlement of G.P.F. and other amounts of the applicant. In the said order it had been stated while finalising G.P.F. account of the applicant the final withdrawal of Rs.5,700/- paid to the applicant in the

month of 1980 was not found debited in the G.P.F. Ledger Card and so a sum of Rs.5,700/- together with interest of Rs.8191/- had been recovered from his G.P.F. amount. It had also been further stated that at the rate of Rs.60/- p.m. was credited to the G.P.F. amount of the applicant for the years 81-82, 82-83 and 83-84, but the corresponding debit was not found posted in his G.P.F. Account and accordingly a sum of Rs.1690/- along with interest of Rs.2369/- had also been recovered and with the result ~~xxx~~ his account had been closed with the credit balance of Rs.2200/- and which had been tendered to the applicant. According to the applicant he is also entitled to a sum of Rs.1207/- (Twelve Hundred and Seven only) towards medical reimbursement and that the respondents had withheld the sum of Rs.1207/-. So, the O.A. is filed by the applicant for the relief/s as already indicated.

5. Counter is filed by the respondents opposing this O.A.

6. Today we have heard Mr.N.Raghavan, Advocate for the applicant and Mr.M.Jaganmohan Reddy, Standing Counsel for the respondents.

7. The fact that towards part final withdrawal that the applicant had withdrawn a sum of Rs.5,700/- in the year 1980 from his G.P.F. account is not in dispute in this O.A. It was the bounden duty of the respondents to deduct the said withdrawal ⁱⁿ the G.P.F. account of the applicant and to pay him the balance together with interest on his retirement when the settlement of his retirement benefits was made. But due to some mistake on the part of the respondents the said sum account of the applicant. So, for the mistake committed by the respondents the applicant cannot be made to suffer by way of payment of interest etc. So, in view of this position,

an appropriate direction is liable to be given to the respondents. Hence the order dated 4.11.1991 as having recovered the sum of Rs.5,700/- and interest up to March 1980 amounting to Rs.8191/- is hereby set aside and the respondents are hereby directed to give credit to the said amount of Rs.5,700/- which the applicant had withdrawn as part final withdrawal in the year 1980 from the G.P.F. account ~~of~~ the applicant and pay the balance of G.P.F. account together with interest from the date of withdrawal in accordance with rules and regulations.

8. According to the applicant towards G.P.F. advance (temporary advance) he had borrowed a sum of Rs.1,690/- in the month of August 1981. According to the applicant the same had been repaid at the rate of Rs.60/- p.m. in 28 months and so nothing remains to be recovered from his Provident Fund towards the said advance as per the case of the applicant. The respondents in their counter have stated at page-4 para 4.II which reads as follows:-

"Similarly refund at the rate of Rs.60/- (Rupees Sixty only) was being credited in the account of the above named subscriber during 81-82, 82-83 and 83-84, but the corresponding debit was not found posted in his G.P.F. account."

So, here also the respondents seem to have committed a mistake in not posting the said recoveries in the G.P.F. account of the applicant. We do not see any justification on the part of the respondents in withholding the said amount of Rs.1690/- and also the interest on the said sum of Rs.1690/- which in all is Rs.2369/- from the settlement dues of the applicant. So, the entire action of the respondents in withholding the said amount of Rs.1690/- together with interest of Rs.2369/- thereon from the settlement dues is liable to be set aside and is accordingly set aside. Hence, the respondents

Copy to:-

1. Secretary to Government Defence Ministry, Union of India, New Delhi.
2. Joint Controller of Defence Accounts Funds, Union of India, Office at Meerut Contonment, (U.P.).
3. Officer-in-Charge, E.M.E.Records, Secunderabad-021.
4. One copy to Sri. N.Raghavan, advocate, 113, Jeera compound, Secunderabad.
5. One copy to Sri. M.Jagan Mohan Reddy, Addl. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-

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are directed to pay to the applicant the said amount of Rs.1690/- and also the interest of Rs.2369/- there on that had been withheld by the respondents.

9. During the course of the hearing it became clear that the applicant ~~is~~ entitled for a sum of Rs.1207/- towards medical reimbursement. As a matter of fact the Lt.Col. who is the sanctioning authority had addressed a letter dt. 4.4.1991 that the case of the applicant is an exceptional one and that the applicant is not at fault for the delay which occurred in the submission of the medical reimbursement bill and that the applicant was liable to be reimbursed the said sum of Rs.1207/- (Rupees Twelve Hundred and Seven only) . So, in view of the letter dt. 4.4.1991 by the Lt. Col. who is the sanctioning authority for the medical reimbursement, We hereby direct the respondents to pay the said sum of Rs.1027/- to the applicant towards medical reimbursement bill. The applicant will not be entitled for any interest on the said sum of Rs.1207/-.

10. O.A. is allowed with the above said directions. This order shall be implemented by the respondents within a period of three months from the date of the receipt of the same.

The parties shall bear their own costs.

T. Ch - In - Section *[Signature]*
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 26th March, 1993

(Dictated in Open Court)

sd

[Signature]
Dy. Registrar *[Signature]*

contd - 6/-