

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1426/97

dt.20-7-98

Between

M. Gangi Reddy

: Applicant

and

1. Secretary
Deptt. of Defence Production
& Supplies, DHQ PO
New Delhi 11

2. Controller of Defence Accounts
(Funds)

TDE Wing
Meerut Cantonment

: Respondents

Counsel for the applicant

: S. Lakshma Reddy
Advocate

Counsel for the respondents

: K. Ramulu
CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)



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Order

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn.)

Heard Sri S. Lakshma Reddy for the applicant and Ms. Shyama for Mr. K. Ramulu for the respondents.

1. The applicant in this OA was appointed as Chargeman Grade I on 9-8-1965, in the Department of Defence Production. He grew up with the organisation and retired as Joint Controller in Junior Administrative grade - Selection Grade on 30-6-1996. He submits that he was to get an amount of Rs.2,65,107/- as PF contribution and he has withdrawn on various occasions amounting to Rs. 1,98,221/- thus he is entitled for a sum of Rs.66,886/- as net amount ^{at the time of} ~~due~~ to his retirement. But in the enclosed statement at page 12 of the OA a different calculation has been shown by the respondents. An amount of Rs.44,824/- is alleged to be deducted from that amount as per annexure-III dated 11-9-96. The applicant disputes the calculation.
2. This OA is filed praying for a declaration that the action of the respondents in deducting a sum of Rs.44,824/- is illegal, arbitrary as the amount of Rs.22,062 is not properly accounting ^{for} and for a consequential direction to the respondents to pay a sum of Rs.66,886/- with interest as per rules on the missing amount of Rs.22,062/- from 30-6-96 at 18% p.a. till the payment.
3. The respondents have filed their reply. They have given the details for deducting the amount Rs.44,824/- in para-3 of the reply. But that fact has been disputed by the applicant in his rejoinder. From the above contention and the counter contention it is not possible for this

Tribunal to give a proper judgement unless the various details of accounting as given by the respondents and the applicant ^{are} ~~is~~ examined fully. The above examination is a factual one. It is not necessary for the Tribunal to examine the factual details and both the respondents and the applicant are equally responsible to check the factual details ^{on} ~~mutual~~ basis with all the details available with them and come to an ~~agreed~~ conclusion in those items where there is mutual disagreement. Then only the question of examining these ^{disputed} ~~points~~ arise. Hence, ~~on my part~~ I find that the OA can be disposed of directing Respondent-2 to sit ~~the~~ with the applicant and finalise ^{the} ~~accounting~~ details on the basis of the available facts with the respondents as well as with the applicant on the basis of the mutual discussion. Minutes have to be drawn indicating the difference of opinion if any between them and signed by both the parties. That will solve the dispute in this case *to a very great extent.*

4. In view of the above the following direction is given :

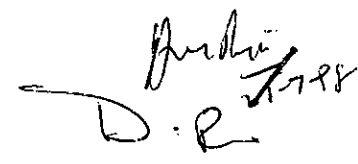
Respondent-2 or his subordinate officers not below the rank of senior scale officer should visit Hyderabad along with the files in connection with the settlement of payment due to the applicant. That official should fix up a firm date with the applicant for meeting at Hyderabad. During the meeting both sides should discuss the issue thread bare on the basis of the details available with them and come to a decisive conclusion which should be recorded and signed by both. Mutual disagreement if any must be recorded in a detailed fashion so that in case such mutual

disagreement is challenged ^{the name} ~~his claim~~ can be resolved amicably.

Time for compliance is four months from the date of receipt of copy of the judgement.

5. With the above direction the OA is disposed of. No costs.


(R. Rangarajan)
Member (Admn.)


Dated 1 July 20, 98
dictated in Open Court

sk

DA.1426/97

Copy to:-

1. The Secretary, Deptt. of Defence Production & Supplies, DHQ PD, New Delhi.
2. The Controller of Defence Accounts (Funds), TDE Wing, Meerut Cantonment.
3. One copy to Mr. S. Lakshma Reddy, Advocate, CAT., Hyd.
4. One copy to Mr. K. Ramulu, Addl. CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

srr

30/7/98 (6)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI S.S. JAI PARAMESWAR :
M(J)

DATED:

20/7/98

ORDER/JUDGMENT

M.A./R.A./C.P.D.

in

C.A.NO.

1426/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

27 JUL 1998

हैदराबाद ब्याचपीठ
HYDERABAD BENCH