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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.543/93

Date of order:4.8.1997

Mahendra Kumar Jain : Applicant

Vs.

1. Union of India through the Secretary to the Govt. of India, Deptt. of Telecommunications, Ministry of Communications, New Delhi-110001.
2. Chief Engineer(Civil), Telecom North Zone, First Floor, Area Centre, E-2, Jhandewalan Extension, New Delhi.
3. Chief Accounts Officer(TA), O/o the Chief General Manager, Maharashtra Telecom Circle, GPO Building, 2nd Floor, Bombay-1.
4. Accounts Officer(TA), O/o the Chief General Manager Telecom Rajasthan Circle, Jaipur-302008.

...Respondents.

Mr.K.L.Thawani - Counsel for applicant.

Mr.S.S.Hasan - Counsel for respondents.

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

Hon'ble Mr.O.P.Sharma, Administrative Member.

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Mahendra Kumar Jain has filed this application under Sec.19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents to account for the missing credits of GPF subscription of 1962-63, 1963-64 and 1973-74 in respect of the applicant and make payment to him with interest.

2. The case of the applicant is that he retired from service w.e.f. 31.5.1990 as Surveyor of Works in the office of the Superintending Surveyor of Works (Civil), Department of Telecommunications, Bombay. While making payment of the balance in the GPF account, the missing credits for the aforesaid periods have not been accounted for. Details of the missing credits for the aforesaid periods are given in para 1.5 as well as Annx.A3 of this application. The missing credits in the GPF

balance are also to be accounted for on the basis of affidavit and other collateral evidence namely certificates granted by the Drawing Disbursing Officers, Treasury Officers vide letter dated 8.8.1977 at Annx.A9.

3. The grievance of the applicant is that no action is being taken by the respondents to pay the remaining balance of the GPF despite the fact that GPF subscriptions have been deducted from the salary of the applicant during 1962-63, 1963-64 and 1973-74, vide certificates at Annxs.A5 & A6.

4. On the otherhand, the respondents have stated that the application is barred by limitation. It is also stated that efforts were made by respondents Nos.3 & 4 to call for the missing credits from the concerned Audit Offices vide Annxs.4,8 and 10 and other letters but the verification regarding incorporation of credits for the aforesaid periods in question in the aforesaid GPF account of the applicant either by offices where the account was maintained during the period or by other offices to whom the GPF account was subsequently transferred could not be completed due to incomplete information and non-submission of complete documents by the applicant.

5. We have heard the learned counsel for the parties and have perused the record.

6. So far as the question of limitation is concerned, it is pertinent to note that the applicant retired from service w.e.f. 31.5.90. It was on 14.9.92 that there was a communication from the office of the Chief General Manager, Maharashtra Telecom Circle that on receipt of the GPF missing credits from the concerned audit offices the payment will be arranged to the subscriber. The present application was filed on 8.9.1993. In these circumstances, this application cannot be said to be barred by limitation.

C.K. Nair

7. So far as the payment of the balance amount of GPF is

concerned, it has been stated by the respondents that arrangement could be made by respondent No.3-to make payment as desired by the applicant if he had furnished sufficient and proper information and material to the answering respondent concerned and his further claim of payment is subject to verification of credit entries. The applicant has filed an affidavit before the respondents in compliance with the direction contained in O.M. dated 8.8.1977, Annx.A9.

8. In view of the facts stated above, we direct respondent No.3 to settle the applicant's claim for payment of the GPF balance in respect of the missing credits in view of the aforesaid affidavit and the certificates at Annxs.A5 and A6, within a period of 4 months from the date of receipt of a copy of this order alongwith interest, as admissible under rules.

9. The O.A is disposed of accordingly with no order as to costs.

  
(O.P.Sharma)

Administrative Member.

  
(Gopal Krishna)

Vice Chairman.