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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.244/94

Date of order: 27.5.1997

Badri Prasad

: Applicant

Vs.

1. Union of India through the General Manager, Western Railway, Churchgate, Bombay.
2. The Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Sr.Divisional Accounts Officer, DPM Office, Western Railway, Kota Division, Kota.
4. Badri Prasad(R), S/o Shri Ramniwas, Driver Grade-A, Western Railway, Kota Division, Head-quarter at Gangapur City.

...Respondents.

Mr.Anil Khanna - Counsel for the applicant

None present for respondents.

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

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

PER HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER.

In this application under Sec.19 of the Administrative Tribunals Act, 1985, Shri Badri Prasad has prayed that the respondents may be directed to make payment of the erroneously deducted amount of Provident Fund (PF) of the applicant amounting to Rs.9200/- alongwith interest at 21%. He has sought a further direction that the amount erroneously deducted from the PF of the applicant and paid to respondent No.4 may be paid to the applicant before his retirement. He has also sought damages/compensation to the tune of Rs.10,000/- for this illegal deduction from his PF account.

2. The case of the applicant, who was working as Shunter, Loco shed, Gangapur City, Kota Division of Western Railway, prior to his retirement in 1993 was that he had made only two withdrawals of Rs.3000/- and Rs.4000/- from his PF account in

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the years 1979 and 1984 respectively. However, another amount of Rs.4600/- was shown to have been withdrawn from his PF account. The applicant's case is that this amount was actually withdrawn from his PF account by another person by the name of Badri Prasad, made as respondent No.4 in the O.A, who was at the time of filing of the O.A posted as Driver Gr.A, Gangapur City. The present PF account number of the applicant and the previous PF account number of respondent No.4 was the same namely 1556666. The name of respondent No.4 is also same as that of the applicant. Therefore, the amount of Rs.4600/- had been withdrawn from the PF account of the applicant and given or credited to the account of respondent No.4. The said amount after its withdrawal from the account of the applicant was recovered from the pay & allowances of the applicant in instalments. The applicant had also made a complaint in this regard to the Chief Vigilance Officer, Western Railway, Churchgate, Bombay. The applicant has therefore prayed that an amount of Rs.9200/- should be returned to him made up of Rs.4600/- which is the amount wrongly withdrawn from his PF account and the amount of Rs.4600/- recovered from his pay & allowances on account of the withdrawal of Rs.4600 alleged to have been made by him from his PF account.

3. The respondents in their reply have stated that it was the applicant who had withdrawn the amount of Rs.4600/- from his PF account. In support of their averment they have annexed a document Annex.F1 which is a photo copy of the application for withdrawal from the PF account. The application is dated 6.8.85 and according to them it bears the signature of the applicant himself. Further according to them the amount withdrawn was recovered from the pay & allowances of the applicant in 46 monthly instalments of Rs.100/- each and the applicant should have agitated the matter at the time when deductions were being

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made from his pay & allowances but no such objection was raised by the applicant.


4. During the arguments, the learned counsel for the applicant stated that the withdrawal was not in fact made by the applicant as per Annx.P1 as stated by the respondents. Since the latest PF account number of the applicant and the previous PF account number of respondent No.4 was the same and the name of the applicant and respondent No.4 was also the same, respondent No.4 had actually withdrawn the amount and the applicant had to pay for it firstly by losing Rs.4600/- and secondly on account of recovery of the same amount in instalments from the pay & allowances of the applicant.

5. None is present on behalf of the respondents. We have heard the learned counsel for the applicant and have perused the material on record.

6. Annx.P1 shows that the signature of Badri Prasad thereon tallies with that put by Shri Badri Prasad, the applicant, on the O.A, on a visual comparison made by us. Even if one considers the argument for a moment that the applicant's signature on the application for withdrawal of PF could have been forged by a clever forger, it is inexplicable how the applicant could have remained silent for as long as 46 months when the amount of PF denied to have been withdrawn by him was being recovered from his pay and allowances in instalments of Rs.100/- per month. The preponderance of probability therefore is that the amount was withdrawn by the applicant himself and not by somebody else.

7. In the circumstances, the O.A is dismissed. No order as to costs.

  
(O.P.Sharma)  
Administrative Member.

  
(Gopal Krishna)  
Vice Chairman.