

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR****Original Application No. 291/00692/2014****Date of Order: 29/11/2016****CORAM:****Hon'ble Ms. Meenakshi Hooja, Administrative Member**

Surajbhan Nainawat son of Shri Bhorilal aged about 62 years, resident of D-202, Hasan Khan Mewat Nagar, Alwar. Retired from the post of Assistant Provident Fund Commissioner, office of Employees Provident Fund Commissioner, Regional Office, Rajasthan, Jaipur.

....Applicant

(By advocate: Mr. Pawan Sharma, proxy of Mr. Ashok Bansal)

VERSUS

1. Union of India through its Secretary, Labour Department, Central Secretariat, New Delhi.
2. Central Provident Fund Commissioner, Employees Provident Fund Organization, 16, Bhikaji Kaman Palace, New Delhi.
3. Regional Provident Fund Commissioner, Employees Provident Fund Organization, Nidhi Bhwan, Vidhyut Marg, Jyoti Nagar, Jaipur.

....Respondents

(By advocate: Mr. Amit Mathur)

ORDER

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act 1985 against the order dated 26/09/2011 (Annexure-A/1) whereby recovery of Rs. 82,561/- has been ordered on account of non-submission of adjustment bills and further against order dated 24.07.2014



(Ann.A/2) passed by the respondents in pursuance of direction of this Bench of Central Administrative Tribunal on 24.07.2013 in OA No. 506/2013 whereby the representation of the applicant has been rejected, thereby seeking the following relief:


"That this Original Application may kindly be allowed and the order dated 29/09/2011 and rejection order of the representation dated 24/07/2014 may kindly be quashed and set aside. The respondents may be directed to refund the amount Rs. 82561/- along with interest. The respondents may further be directed to grant proper amount of leave encashment."

2. When the matter came up for hearing and consideration. Learned counsel for the applicant submitted that vide Annexure-A/1 dated 29/09/2011 an amount of Rs. 82561/- has been ordered to be deposited by the applicant, otherwise it would be recovered from Gratuity. This amount includes Rs. 13125/- as original amount and also heavy interest of Rs. 69436/- which is 5 to 6 times of the original amount. Counsel for the applicant submitted this order was given on 26/09/2011 i.e. four days prior to his retirement and no opportunity was given to represent therefore the applicant filed OA No. 506/2013 in which directions were given to decide his representation. The respondents have decided his representation vide order dated 24/07/2014 (Ann.A/2) but




have rejected the same. Counsel for the applicant contended that had the outstanding amount been brought to his notice earlier on time, he would have submitted the adjustment bills or paid back the same but in the absence of any such opportunity the amount of the bills which pertain to different and much earlier years dating back from 1988 to 1999 have been sought to be recovered at the end of his service in the year 2011, with an exorbitantly high interest rate, which is not just and fair and, therefore, prayed for the OA to be allowed.

3. Per contra counsel for the respondents submitted that as may be seen from Annexure-A/1 the demands pertain to those amounts which were taken by the applicant as advances and he failed to pay the amount back or submit the adjustment bills which was his duty and there is no provision of any waiver of the Government dues. Further in view of the directions of the Hon'ble CAT in OA No.506/2013, ample opportunity was given to the applicant to submit any documents but applicant could not submit any documentary evidence despite being given so many chances to look at the records of various regional offices. As the applicant could not submit any documents pertaining to adjustment bills, the said amount has been recovered and interest has been charged as per provisions of the GFR at the




penal interest @ 2% along with GPF/SPF interest for the period as the applicant was well aware of having taken these advances. Counsel for respondents also submitted that the details of certain advances were also brought to notice of the applicant while issuing LPCs and specially referred to details at Page 46 of the OA (filed as Part of Ann.R/4). Therefore, he submitted that there is nothing wrong or illegal in the decision of the respondents in recovering the outstanding amount with interest, from the gratuity of the applicant and prayed for the dismissal of the OA.

4. Considered the aforesaid contentions and perused the record. It appears that Annexure-A/1 dated 26/09/2011 pertains to recovery on account of non-submission of adjustment of bills by the applicant relating to various advances taken by him from time to time. As brought out by the counsel for respondents it was duty of the applicant to either repay the advances or submit adjustment bills on time. It is further seen from Ann.A/2 dated 24.07.2014 that when the representation of the applicant was considered by the respondents (in pursuance of directions of the Tribunal in OA No.506/2013 filed by the applicant earlier,) several opportunities were given to the applicant to submit documents/orders in support of his



case, but he failed to give any documentary evidence. The applicant was also given information regarding some of his outstanding advances while issuing his LPCs as is seen from details at Page 46 of the OA, filed with Ann.R/4. As brought out by the counsel for respondents, it was the applicant's duty to repay the advances or submit the adjustment bills within the prescribed time which he failed to do. Therefore, there appears nothing wrong in the action of the respondents in recovering the outstanding amount including penal interest @ 2% along with GPF/SPF interest for not repaying or submitting adjustment bills against different advances taken between the years 1988 to 1999. Hence, there is no ground to set aside Ann.A/1 dated 26.09.2011 and Ann.A/2 dated 24.07.2014 or to grant any other relief sought for.

5. In view of the above analysis, OA lacks merit and is accordingly dismissed with no order as to costs.


(Meenakshi Hooja)
Administrative Member