

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR

OA No.315/1997

Date of order:13.10.1998

U.D.Sharma s/o Late Shri Ram Dutta Ji Sharma aged 69 years, resident of C/51, Priyadarshi Marg, Tilak Nagar, Jaipur.

.. Applicant

Versus

Union of India through the Secretary, Ministry of Law (Department of Legal Affairs), Shastri Bhawan, New Delhi.

.. Respondent

Applicant present in person

Mr. S.S.Hasan, counsel for the respondent

CORAM:

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. Ratan Prakash, Judicial Member

Applicant herein Shri U.D.Sharma is claiming that the respondent be directed to make him payment of Rs. 365/- deducted by the respondents under the Central Government Employees Insurance Scheme, 1977 for the period between July, 1977 till April, 1983 with interest thereon at the rate of 18% per annum.

2. In this OA notice was issued to the respondent on 30th July, 1997 and it was admitted on 16.12.1997. A number of efforts were made to summon the respondent Union of India through the Secretary, Ministry of Law (Department of Legal Affairs), New Delhi. On 2.4.1998.



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Shri S.S.Hasan, Additional Standing Counsel, Central Government was directed to take notice of this matter and he actually made a number of efforts to receive appropriate directions from the respondents. However, he has not been able to seek any specific instructions. Today also Shri S.S.Hasan is present but he is unable to give out the stand of the respondent in view of the absence of instructions from the respondent. He seeks one more opportunity to file a reply and contest this OA. As this matter has been pending consideration since long and the respondent has not been vigilant to defend it properly, the learned counsel for the parties have been heard.

3. The facts in brief are that while the applicant was holding the post of Assistant Legal Advisor in the Ministry of Law and Justice, Department of Legal Affairs, New Delhi, the Central Government Employees Insurance Scheme, 1977 was promulgated. Under this scheme the applicant was to make a contribution at the rate of Rs. 5 per month which was deducted from his salary w.e.f. July, 1977 till the Month of April, 1983 when he came to know about the substitution of the earlier scheme of 1977 by another scheme called the Central Government Employees Group Insurance Scheme, 1980. No sooner he came to know about introduction of the 1980 scheme, he started making subscription at the rate of Rs. 80 per month under the said scheme of 1980 from May, 1980 onwards and discontinued the contribution under the earlier scheme of 1977. According to the applicant, he has contributed an amount of Rs. 365/- for the period between April, 1977

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upto April, 1983.

4. The grievance of the applicant is that after the introduction of the 1980 scheme, the amount which became due to the applicant under the 1977 scheme was required to be credited to the GPF account of the applicant. Subsequently vide OM No.F.6(1)-EV/86 dated 15.5.1986 issued by the Ministry of Finance, Department of Expenditure, it was decided by the Government that instead of crediting the deducted value to the GPF account, the amount actually subscribed by the employee towards the scheme of 1977 would be paid back to him in cash. The applicant retired from the Central Government service from the post of Additional Legal Advisor to the Govt. of India, Ministry of Law and Justice, Department of Legal Affairs on 31st March, 1986. He took up the matter of repayment of the said amount of Rs. 365/- under the scheme of 1977 with the respondent as also with the Pay and Accounts Officer, Ministry of Law and Justice, New Delhi. First such letter was sent to the respondent on 23rd January, 1987 which was followed by letters dated 1.5.1987 and 19.6.1987 (Ann.A1). Thereupon the respondent sought information from the Director of Accounts, Panaji, Goa about the transfer of the discounted value of recoveries made from the applicant under the scheme of 1977 to the GPF account vide Ann,A2 dated 8.7.1987 which was responded to by the Pay and Accounts Officer vide Ann.A5 dated 2.11.1987. This matter was further pursued by the applicant with the respondent and as also with the Pay and Accounts Officer, Ministry of Law and Justice but



without any consequence. Aggrieved, the applicant has now approached this Tribunal to seek the aforesaid relief.

5. There being no counter on behalf of the respondent, I have perused the pleadings of the applicant as also the documents filed by the applicant.

6. From a perusal of the communication dated 8th July, 1987 (Ann.A2), communication dated 2.11.1987 (Ann.A5) as also the communication to the applicant by the Pay and Accounts Officer dated 19.10.1996 (Ann.A7), it is apparent that there is no denial that an amount of Rs. 365/- has been deducted from the salary of the applicant by the respondent under the 1977 scheme. It is further made out that inspite of the OM dated 15.5.1986, the applicant has not been paid back the said amount of Rs. 365/- which he has been continuously asking for being paid to him. The applicant asserts that if the amount of Rs. 365/- would have been credited in the GPF account, he would have been entitled to get interest at the prescribed rates applicable from time to time. This argument of the applicant has force because after the introduction of the scheme of 1980, the aforesaid amount of Rs. 365/- was required to be credited to the GPF account of the applicant. The respondent having failed to make any payment, the applicant is entitled to get interest at the prescribed rates on the said amount.

7. It may also be mentioned that vide order dated

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28.5.1998, the statement showing the position of the amount due and the rate of interest calculated was also supplied by the applicant to the learned counsel for the respondents which in turn was also sent, according to the learned counsel for the respondent, to the respondents at that time. However, he states that no response to this statement has been received by him.

8. Accordingly, the respondents are directed to pay back the applicant the amount of Rs. 365/- and interest there upon at the rate ^{as 2} applicable on the amount deposited under the GPF, for the period falling between 1983 till the date of actual payment to the applicant. The respondent shall comply with these directions within a period of three months from the date of receipt of a copy of this order. Under the circumstances, respondents are also directed to pay a cost of Rs. 200/- to the applicant within the said period. The OA stands disposed of accordingly.



(Ratan Prakash)

Judicial Member