

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Applications No 375 of 2005

Jabalpur, this the 11 day of November, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

Asit Kumar Sarkar S/o late Sri N.N.
Sarkar, R/o Geet Apartment-VI,
Flat No.8/S-I Bhawani Nagar,
Behind Indrepuri, Bhopal.

Applicant

(By Advocate – Shri S.Paul)

V E R S U S

1. Union of India
Through Secretary, Ministry of
Defence, New Delhi.
2. Senior Accounts Officer
Jt. CDA (Funds), Meerut Cantt.
3. Commanding Officer, Office of
Garrison Engineering, Bairagarh,
Bhopal.

Respondents

(By Advocate – Shri M. Chourasia)

O R D E R

By filing this Original Application, the applicant has sought the following main relief :-

“(ii)quashing the impugned recovery memo dated 22.6.2004 (Annexure-A/1) to the extent that recovery of Rs.5,198/- and Rs.46,147/- were imposed on the applicant. Further command the respondents to release the amount of Rs.5,198/- and Rs.46,147 in the favour of the applicant along with the interest on delayed payment on the rate as deems fit by this Hon'ble Tribunal.”

2. The brief facts of the case are that the applicant was appointed as Lower Division Clerk in April, 1964 and he retired from the service on the post of Upper Division Clerk vide order dated 13.3.2004. The

applicant was issued a memo dated 22.6.2004 by which an amount of Rs.5,198/- and Rs.46,147/- was recovered from his GPF account. The applicant contended that, it is mentioned in the impugned order that in the year 1977-78, an excess amount of Rs.241/- was deposited and in the year 1976-77 he was granted an additional D.A. of Rs.230/- alongwith interest of Rs.11/- which comes out to a total amount of Rs.241. The said amount was never entered in CCO-9 between 1975-1980. By no stretch of imagination, it can be said that Rs.241 was paid in excess. The interest calculated on the said amount seems to be on market rate, which is wholly unjustified. It is further mentioned in the impugned order that an amount of Rs.6000/- which skipped the debit entry in the GPF account for the year 7/1984, was also recovered along with interest of Rs.40,147/- whereas the applicant never took any loan from the said account. In the year 1987(sick) the applicant took a final withdrawal of Rs.6,000/- from the GPF account and the same was deducted in the year 1985-86, 1987-88. Against the aforesaid action, the applicant sent number of representations but all the representations went in vain. Thereafter the applicant has sent a legal notice dated 2.7.2004 (Annexure-A-2) to the respondent, which was also rejected by the respondents vide letter dated 27.8.2004. Hence, this OA.

3. Heard the learned counsel for the parties and carefully perused the records.

4. It is argued on behalf of the applicant that the details mentioned in the letter dated 27.8.2004 (Annexure-A-3) ^{based} are ~~on~~ records and in the said letter the respondents have stated that the amount of Rs.6000/- which skipped from the debit entry in the GPF account for the year 7/1984 was also recovered along with interest of Rs.40,147/- while the applicant had never taken a withdrawal of Rs.6000/- in July, 1984 and he has never taken any loan from the GPF account. The learned counsel for the applicant also argued that the applicant had



taken a final withdrawal of Rs.6,000/- from the GPF account and the same was deducted in the year 1985-86, 1987-88. Hence, the impugned recovery memo dated 22.6.04 is liable to be quashed and set aside and the applicant is entitled to receive the amount of Rs.5,198/- and Rs.46,147/- along with interest.

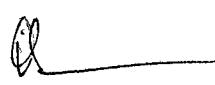
5. In reply, the learned counsel for the respondents argued that the recovery made by them is just and proper manner because Rs.5,178/- and 46,147/- were recovered at the time of final settlement of G.P.F. on account of excess credits. The case of the applicant has again been reviewed and it is found that the recovery of Rs. 241/- alongwith interest is correct as the amount pertaining to additional DA has been found credited in his account twice. The learned counsel for the respondents further argued that the excess recovery made has been refunded with interest and rest of recovery made is correct. The excess credit in the GPF account of the subscribers was recovered while finalizing his G.P.F A/c and not from his pension. Hence, the action of the respondents is perfectly legal and justified.

6. After hearing the learned counsel for the parties, I find that the arguments advanced on behalf of the respondents is that the amount of Rs.6000/- which skipped the debit entry in the GPF account of the applicant for the year 7/1984 was recovered along with interest of Rs.40,147/- while the applicant submitted that he had never taken a withdrawal of Rs.6000/- in July, 1984 and he has also never taken any loan from the GPF account. The applicant had taken a final withdrawal of Rs.6,000/- from the GPF account and the same was deducted in the year 1985-86, 1987-88. Hence, there was no outstanding balance and the applicant could not be penalized at the fag end of his career. I have perused the impugned memo dated 22.6.2004 and impugned letter dated 27.8.2004 in which the respondents have mentioned the details of the dues drawn to the applicant. This is a matter of calculation and according to the relevant



records and versions of both the parties they are contrary to each other. After considering all the facts and circumstances I am of the considered opinion that the ends of justice would be met I direct the applicant to submit a fresh representation to the respondents within a period 15 days from the date of receipt of a copy of this order. I do so accordingly. If the applicant complies with this, the respondents are directed to consider and decide the same within a period of 3 months from the date of receipt of a copy of the representation. The respondents are also directed to permit the applicant to see the relevant entries of his service records after fixing the date for this purpose. If any discrepancies is found then it will be corrected and if any excess amount is recovered from the applicant be refunded to him with interest at the prevalent rate of the GPF.

7. With the above, direction the OA stands disposed. No costs.


(Madan Mohan)
Judicial Member

पृष्ठांकन सं. ओ/न्या..... जललपुर, दि.....
प्रतिलिपि अवो डिट:—
(1) सहिव, उत्तर ब्राह्मणलय लार एसेलिटिशन, जललपुर
(2) अवेक्षक श्री/श्रीमती/पु. के काउसल
(3) दाता श्री/श्रीमती/पु. के काउसल
(4) विधायक, कोपार, जललपुर एवं अवारदक विधायकीय
सूचना एवं आवारदक विधायकीय हेतु
— (उग्र) शिवार

J. Paul B.V.B.P
M. Chaurasia B.V.B.P

12/11/65