

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 618 of 2003

Jabalpur, this the 20<sup>th</sup> day of September, 2004

Hon'ble Shri Madan Mohan, Judicial Member

Shri C.L. Sen, S/o. late Shri Ram  
Ratan Sen, retired Upper Division  
Clerk, House No. 711, Bhantalaiya,  
Badikher Mai, Sati Chowk, Jabalpur-  
482002.

... Applicant

(By Advocate - Shri S.S. Garha)

V e r s u s

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. The Controller General of Defence Accounts, West Block, R.K. Puram, Ministry of Defence, New Delhi-110066.
3. The Joint Controller of Defence Accounts (Fund) Meerut, Cantt. U.P.
4. The Controller of Defence Accounts, Ridge Road, Jabalpur (MP).
5. The Commanding Officer, Signal Records, Post B. No. 5, Jabalpur. ... Respondents

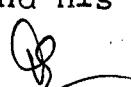
(By Advocate - Shri P. Shankaran)

O R D E R

By filing this Original Application the applicant has claimed the following main relief :

"(a) to issue necessary direction and orders to the respondents to make payment of Rs. 35820/- with future interest to the applicant to which the applicant is entitled, the same being the amount which respondents illegally deducted from the amount lying at the applicant's credit in his statement of account for the year 2001-2002 with cost of preferring the application."

2. The brief facts of the case are that the applicant having served as Upper Division Clerk under the respondent No. 5 has retired from service w.e.f. 31.5.2002. During his service he has been subscriber to the General Provident Fund Account and his account No. is 318688, which fund is



is governed by the General Provident Fund (Central Services) Rules, 1960. As per account statement for the year 2001-2002 in respect of the applicant, issued by the respondent No. 3 an amount of Rs. 93,155/- was shown to the credit of the applicant GPF Account. During final settlement of the fund account, the respondent No. 3 issued a cheque slip for Rs. 57,355/- on the ground that a sum of Rs. 3,000/- withdrawn by the applicant in September, 1979, a sum of Rs. 500/- withdrawn as temporary advance in June, 1982 has not been debited by them from the applicant's GPF account and that amount alongwith interest amounting to Rs. 35820/- has been debited during the final settlement. Feeling aggrieved the applicant gave a legal notice dated 9.1.03 to the respondents. In reply the respondent No. 5 intimated the applicant that besides the above noted amounts a further amount of Rs. 40/- was excess credited to the applicant's GPF account during 1987-88 and that excess has been adjusted. Again the respondent No.3 in his last letter dated 22.7.2003 has intimated the applicant that while finalising the claim of the applicant another excess credit of Rs. 40/- to the applicant's account in the year 1977-78 amounting to Rs. 537/- with interest, was found. Hence, this Original Application.

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

4. It is argued on behalf of the applicant that in Annexure A-1 i.e. statement of accounts for the year 2001-2002 the closing balance is shown as Rs. 93,155/- while the respondents have issued a cheque of Rs. 57,335/- on 11th November, 2002 (Annexure A-4(3)). They have deducted the amount of Rs. 3,000/- taken from the GPF account by the applicant, Rs. 500/- as temporary advance and Rs. 40/-



said to be excess payment to the applicant. The applicant has drawn my attention towards Annexure A-7(2) in which it is mentioned that paid Rs. 3,000/- as final withdrawal and an amount of Rs. 500/- is also deducted from his salary. Hence, this OA deserves to be allowed. He further argued that according to the rules, the respondents should have verified the account of the GPF of the applicant periodically, and even there is any mistake or error committed on behalf of the officers or the employees of the respondents, the applicant should not be penalised.

5. In reply the learned counsel for the respondents argued that the amount of Rs. 3,000/- which was taken by the applicant from the respondents as final withdrawal from his GPF account, was not deducted from his GPF balance for the year 2001-2002 (Annexure A-1) and the final withdrawal is never deposited or refunded. The amount of Rs. 500/- taken as temporary advance was also not debited due to the omission of the employees of the respondents. He further argued that an amount of Rs. 40/- was credited in excess to the applicant's GPF account during the year 1987-88. This was also adjusted later on. The learned counsel for the respondents further argued that it is the duty of the employee to point out any mistake or omission in his GPF account. But the applicant did not informed the respondents even about the amount of Rs. 3,000/- which he finally had withdrawn from his GPF account, though omission on the part of the respondents. Hence, this OA deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the records, I find that so far as the amount of Rs. 3,000/- taken by the applicant as final withdrawal in September, 1979, the same was not deducted



from his GPF account as it is not shown in Annexure A-1. The respondents have pointed out about Annexure A-9(1) in which the details are mentioned about the amount of Rs. 3,000/- next amount of Rs. 500/- and the excess amount of Rs. 40/- which was credited in the year 1977-78, with interest on all these three amounts. The argument of the respondents that if any error or omission or mistake is committed by the respondents then it is the duty of the applicant also to get it rectify by bringing out the same to the notice/knowledge of the respondents, which the applicant has failed to do so.

7. After considering the facts and circumstances of the case, I find no merit in this original Application and accordingly, the same is dismissed. No costs.

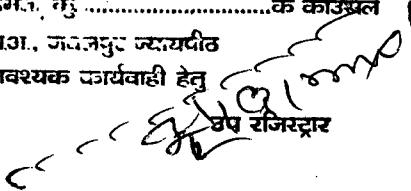
  
(Madan Mohan)  
Judicial Member

"SA"

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....  
पत्रिलिपि आव्ययिता:-

- (1) सदिक, तत्त्व न्यायालय प्रभु एसेस्मेंट, जबलपुर
- (2) आदेश श्री/प्रिया, के काउंसल S S Chawla
- (3) प्रत्यर्थी श्री/अंगद, कु.....के काउंसल P. Shukla
- (4) वंशदाता, रोपांगा, जबलपुर न्यायालय

सूचना एवं आवश्यक प्रार्थनाही हेतु

  
ब्रिज राजसिंह

Issued  
On 21-9-87  
By