

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 688 of 2003

Bilaspur, this the 24th day of November, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Babulal Badhauriya, aged about 60
years S/o Late Shri Ram Kripal Badhauriya,
MPA (General Fitter/Mech) retired Highly
Skilled Grade-I, R/o C/o Saini Provision
Near Fish Market, Rannjhi, Jabalpur (MP)

APPLICANT

(By Advocate - Shri S. Nagu)

VERSUS

1. Union of India,
Through Ministry of Defence, South
Block, New Delhi.
2. Controller of Defence Account, (funds)
Meerut Cantt.
3. Garrison Engineer (East) P.O Gokalpur
Jabalpur (M.P.)

RESPONDENTS

(By Advocate - Shri Om Namdeo)

O R D E R

By M.P. Singh, Vice Chairman -

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


"8.2 to direct the respondent to pay the deducted
amount of Rs.16,229/- With interest @ 18% p.a. till
realization."

2. The brief facts of the case are that the applicant
was appointed as Chowkidar in Military Engineering Service
and promoted as Pump Attendant (MPA) Highly Skilled Grade II,
as Fitter General (Mechanical) and then superannuated as Fitter
General Mechanic HS-I from office of the GE (East) Gokalpur,
Jabalpur on 30.11.2002. The applicant had taken an amount
of Rs.3000/- as temporary advance from GPF. The applicant had
to re-pay the same in 24 instalment. The respondents had
started deduction from the salary of the applicant from March
1987 till Feb. 1989 @ Rs.125/- per month. This loan was
fully repaid in Feb.1989, which is evident from the GPF-09
statement of account for the years 1986-87, 1987-88 and
1988-89. The applicant was surprised to receive an intimation
memo from Jt.CDA (Funds) Meerut Cantt Dated 18.6.2003 by which

he came to know that Rs.16,229/- have been deducted against the principal amount of Rs.3000/- from his account. According to the applicant, he had already repaid the said advance of Rs.3000/- within the stipulated time period of two years, even then the respondents deducted Rs.16,229/- with interest after a long period of about fifteen years from the account of the applicant. Hence this OA.

3. The respondents in their reply have stated that an amount of Rs.3000/- as temporary advance was paid to the applicant in February, 1987 which was recovered from his salary in 24 installments from March, 1987 to February 1989. The amount so recovered from his salary was credited to his GPF Account in 1987-88 and 1988-89, but the amount of Temporary Advance of Rs.3000/- paid to him ⁱⁿ February 1987 was required to be debited from his GPF Account in 1986, ^{which} ~~but~~ was not found debited from his GPF Account in 1986-87 ~~and~~ till the final settlement of his GPF Accounts. According to the respondents, the moment the applicant took the temporary advance of Rs.3000/- in February 1987, his GPF balance was to be reduced by that amount from February 1987 itself. As such the same was correctly deducted with interest thereon up to March 2002. Had the temporary advance of Rs.3000/- was debited from his GPF Account in time i.e. in 1986-87, his GPF balance would have been reduced automatically to that extent.

3. We have heard the learned counsel for the parties and have given careful consideration to the rival contentions of the parties. We find that the amount of Rs.3000/- which was withdrawn by the applicant as temporary advance has not been debited against the accumulations made in the GPF account of the applicant in the year 1986-87. We have perused the statements of GPF Account for relevant three years furnished



by the applicant himself, which shows that the aforesaid amount of Rs.3000/- has not been debited from his GPF account. Therefore, that amount of Rs.3000/- with interest accrued on that amount till the date of retirement has been deducted from the GPF account of the applicant, while making final payment of GPF accumulation at the time of his retirement. Therefore, we do not find any ground to interfere with the action taken by the respondents.

4. In the result the OA is devoid of merits and it is accordingly dismissed. No costs.

(A.K. Bhatnagar)
Judicial Member

(M.P. Singh)
Vice Chairman

rkv

पूरांकन सं ओ/ज्या जयलपुर, दि.....
पसिलिदि आर.ग.ग.ग.

(1) सचिव, उच्च न्यायालय, जयलपुर

(2) आवेदक श्री/श्रीमती/श्रीम. के काउंसिल

(3) प्रत्यर्पी श्री/श्रीमती/श्रीम. के काउंसिल

(4) वकील, जयलपुर, जयलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

S. K. Singh Adv. OBP
M. P. Singh Adv. OBP
OBS

Issued
on 3-12-04
BS