

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
CIRCUIT AT INDORE**

O.A. NO.132/1998

Indore, this the 13th day of August, 2003

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

HON'BLE SHRI R. K. UPADHYAYA, MEMBER (A)

Baharuddin Siddiqui S/O Fakruddin,
Block No.203-B, Loco Broad Gauge,
Ratlam.

... Applicants

(By Shri K.C.Raikwar, Advocate)

-VERSUS-

1. Union of India through
General Manager, Western Railway,
Churchgate, Mumbai.
2. D.R.M., Western Railway,
Divisional Office Do Batti,
Ratlam.
3. Divisional Accounts Officer (DAO),
Western Railway, Divisional Office,
Ratlam.

... Respondents

(By Shri Y. I. Mehta, Sr. Advocate with Shri H.Y.Mehta, Advocate)

ORDER (ORAL)

Hon'ble Shri R.K.Upadhyaya, Member (A) :

This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed seeking a direction to respondents to investigate the matter and to pay Rs.6,720/- with interest being the amount of short payment from his Provident Fund account No.15029797.

2. It is stated that the applicant superannuated on 30.1.1996. The applicant thinks that he has been paid less than what was due to him on

account of final settlement of his Provident Fund account. The applicant has further stated that he was working on the post of MW Fitter, Grade-I, Loco Shed, Ratlam at the time of his superannuation on 30.1.1996. The applicant alleges that there were certain ghost withdrawals of Rs.500/- on 10.5.1971, Rs.1320/- on 13.4.1978, Rs.1500/- on 4.8.1981, Rs.10,000/- on 25.5.1984 and Rs.2,400/- on 12.6.1985. The allegation is that withdrawals from the applicant's PF account are by someone in connivance with the accounts department. For this purpose, the applicant claims that he had sent a notice also to the respondents as per his lawyer's letter dated 4.1.1996 (Annexure A-1). The applicant has also been making representations from time to time and a copy of such representation dated 13.3.1996 has been filed as Annexure A-2 to the OA. The learned counsel also invited attention to subsequent notice dated 5.9.1997 (Annexure A-6) in which the details of missing credits of Rs.6,720/- have been shown.

3. The respondents have filed details of certain withdrawals along with the letter dated 21.2.2003. The respondents have stated that original registers being very old and bulky have not been produced but photo copies of available relevant entries have been filed. The learned counsel of the applicant insisted that the withdrawals alleged by the respondents having ^{been} made by the applicant should be supported by the receipt of the applicant of the alleged withdrawals. The learned counsel of respondents stated that the application form etc. are normally not maintained for very long period of time. However, efforts will still be made to locate them

and if possible the applicant will be confronted with the receipt of the amounts of withdrawals from his PF account.

4. Considering the submissions made by the parties, we consider it reasonable if the matter is remitted to the respondents for their reconsideration. The representations of the applicant are already on record. The details of alleged withdrawals are available with the respondents. The respondents are directed to make another effort to locate the relevant papers to establish that the amounts stated to have been withdrawn were actually withdrawn by the applicant. If the correspondence papers like the application forms etc., are not available, the same could be verified with reference to the relevant payment registers maintained in the sections where the applicant was posted. Such payment registers are of permanent nature and may not have been destroyed. In the circumstances, the respondents may compile the information available with them and send the same for the comments of the applicant within three months from the date of receipt of a copy of this order. If the respondents give the details, the applicant may submit his objections, if any, within two weeks of receipt of such information from the respondents. Thereafter, the respondents are directed to pass a speaking order within a period of one month thereafter if the claim of the applicant cannot be allowed. Otherwise, if the respondents are satisfied that there had been no withdrawals by the applicant, the alleged shortfall amount may be paid along with interest at the admissible rates on the PF account.

Chintan

5. In view of the directions and observations made in the preceding paragraphs, this application is disposed of with no order as to costs.

R. K. Upadhyaya

(R. K. Upadhyaya)
Member (A)

S. Raju

(Shanker Raju)
Member (J)

/as/

पृष्ठांकन से ओ/व्या..... जबलपुर, दि.....
प्रमिन्दि/ने अप्पे दिन:-

(1) सदृश, उच्च उच्चायाम विद्यालय, जबलपुर
(2) उच्च उच्चायाम विद्यालय, जबलपुर
(3) उच्च उच्चायाम विद्यालय, कोकारंगल
(4) उच्च उच्चायाम विद्यालय, जबलपुर व्यायामीन

सूचना एवं आवश्यक कार्यवाही हेतु

T. N. S. Rao
उपर्युक्त 28/8/03

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