

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 795 of 1999

Jabalpur, this the 24th day of November, 2003

Hon'ble Shri G. Shanthappa, Judicial Member

Chhotte Singh Solanki,
S/o. (Late) Shri Gulab Singh
Solanki, Aged about 65 years,
Retired Head Post Master,
R/o. Guna (MP).

... Applicant

(By Advocate - Shri Sudhir Shrivastava)

V e r s u s

1. Union of India, through
the Secretary, Departmental
of Postal Services, Delhi.

2. Director General, Postal
Services, Delhi.

3. Chief Post Master General,
M.P. Circle, Bhopal (MP).

4. Post Master General,
Bhopal.

5. Superintendent,
Postal Service, Guna (MP).

... Respondents

(By Advocate - Shri S. Akthar on behalf of Shri B.d.a.Silva)

O R D E R (Oral)

The applicant has filed the above Original Application to direct the respondents to pay the applicant Rs. 5,052/- as balance amount of GPF with interest from the date of his retirement i.e. 31.08.1992 and the interest for with-holding the said amount. The applicant has produced the document Annexure A-2 requesting the respondents to pay the amount of Rs. 5052/- balance from the date 31.08.1992. Subsequently the applicant filed a case before the District Consumer Forum, Guna. The District Consumer Forum has allowed the case and the respondents had filed an appeal before the M.P. Consumer Disputes Redressal Forum. The Hon'ble State Forum has allowed the appeal and set aside the order passed

G.

Ex that he has received the ~~ex-~~ by the District Consumer Forum. The applicant has admitted ~~ex-~~ excess amount and it was not on the mistake of the applicant.

2. Per contra the respondents have filed the reply contending that there is no due to the applicant. They have mentioned the calculation as under :

"Balance in GPF A/c No.N-53638 shown in DA Slip as on 31.03.1992	Rs. 3916.00
Contribution by the applicant 4/92 to 6/92 @ Rs. 200/- p.m.	Rs. 600.00
(As per Annexure A-1)	Total
	Rs. 4516.00

Less : adjustments to be made (Advance not debited in the Applicant's Account)

Advance drawn in 2/1971	Rs. 500.00
Advance drawn in 5/1990	Rs.1600.00
Excess interest shown due above missing debits (beginning from the year 1971-72 to 92-93)	Rs.3520.00
	Rs. 5620.00
Excess payment	Rs. 1104.00

In para 4 of the reply of the respondents the respondents have taken a ground that there is a delay in filing the OA. The application should be dismissed on the ground of laches. They have also further stated that the DA slip annexed by the applicant is due to an error and the applicant being a senior official of the Postal Department should have pointed out the same and instead is trying to take advantage of a clerical mistake. The respondents specifically stated that there is no due payable to the applicant and there is an excess of Rs. 1104/- outstanding against the applicant.

3. The respondents have also stated in their reply at para 1 that they have already decided the claim of the applicant and they have acted in accordance with the rule and the application preferred by the applicant is liable to be dismissed.

Yours

4. The advocate for the applicant had submitted that the respondents have not communicated the letter for having taken the decision on the claim of the applicant.

5. After hearing the advocate for the applicant and the advocate for the respondents the above Original Application is disposed of with a direction to the respondents to issue the letter for taking the decision on the claim of the applicant in pursuance to Annexure A-2. If the respondents want to recover the excess payment, made according to them as stated in the reply, it is for them to proceed the recovery process. The respondents are directed to calculate, whether the applicant is entitled for the amount of Rs. 5052/- or respondents have paid any excess amount? The respondents are further directed to give a copy of the calculation sheet to the applicant. In pursuance to the reply, if the applicant is still aggrieved he can approach this Tribunal challenging the said order.

6. Original Application stands disposed of accordingly.
No costs.

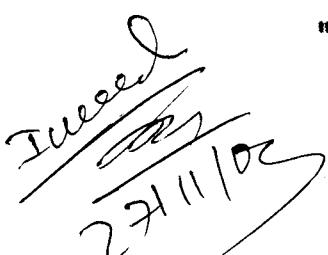

(G. Shanthappa)
Judicial Member

"SA"

पूर्णकाल रां ओ/व्हा..... जनरल्स, दि.....
एकान्तरिक विवर.....
(1) व्हा.....
(2) व्हा.....
(3) व्हा.....
(4) व्हा.....
रां ओ/व्हा.....
..... जनरल S. Shanthappa, Adv.
..... जनरल B. Dainiv, Adv.

27-11-03

कानूनी विवर


T. S. Shanthappa
27/11/03