

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.365/2005.

Jaipur, this the 3<sup>rd</sup> day of March, 2006.

**CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.**

Yunus Mohd. Pathan  
S/o Janab Pathan  
Aged about 61 years,  
R/o A-191-192, Sanjay Nagar,  
Bhatta Basti,  
Jaipur.

... Applicant.

By Advocate : Shri P. N. Jatti.

Vs.

1. Union of India  
Through the Secretary to the Govt. of India,  
Ministry of Communication,  
Department of Posts, Dak Bhawan,  
Sansad Marg,  
New Delhi.
2. The Principal  
Chief Postmaster General,  
Rajasthan Circle,  
Jaipur-7.
3. Senior Superintendent,  
Jaipur City Dn.  
Jaipur.
4. Director of Accounts (Postal)  
Jaipur 302 004.

... Respondents.

By Advocate : Shri Hemant Mathur.

**: O R D E R (ORAL) :**

The applicant has filed this OA thereby praying for the following reliefs :

"8.1 That by a suitable writ order of the direction the respondents be directed to pay the money which has been contributed by the applicant in GPF Account No.JP860 as per the application dated 18.5.2005 as the applicant has been retired on 01.03.2005.

- 8.2 That the respondents be directed to pay 18% interest on the with holding money of GPF contribution with effect from 01.03.2005.
- 8.3 Any other relief which the Hon'ble Bench deems fit."

2. Briefly stated, the facts of the case are that the applicant while working as Postman was subscribing to the GPF account w.e.f. the year 1970-71. He retired on superannuation on 28.02.2005. The grievance of the applicant is that as per the latest GPF statement the last balance in the GPF account of the applicant was Rs.67,232/-. He has also withdrawn a sum of Rs.25000 in the financial year 2004-2005. The respondents instead of paying the balance amount to the applicant have made recovery of a sum of Rs.6847/- which is not justified.

3. Notice of this application was given to the respondents. Respondents have filed reply. The fact that the applicant has retired on superannuation on 28.02.2005 and the fact that the applicant is subscribing the GPF account w.e.f. 1970-71 has not been disputed. However, it is stated that while reviewing the case of the applicant, the Ledger Card of the GPF account of the applicant was reviewed on his retirement on 28.2.2005 and it was noticed that the closing balance of the subscriber in the year 1980-81 was Rs.1,213/- but while taking the closing balance as opening balance for the year 1981-82 the balance has been taken as Rs.4,213/-. Therefore, the closing balance for the year 1981-82 has been increased

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erroneously by Rs.3267 (Rs.3000 + interest Rs.267/-). The respondents have also placed the photo copy of the account statement of the GPF amount of the applicant w.e.f. 1975-76 to 2004-2005 on record as Annexure R/1. The respondents have further stated that as per the procedure laid down in the rule, at the time of finalization of the case of applicant actual amount was to be calculated since 1970-71 and error in opening balance of year 1981-82 was to be corrected. Thus, according to the respondents the amount of Rs.3,000/- and interest admissible from time to time from 1981-82 to 31.3.2004 amounting to Rs.36,312/- passed excess have been corrected and at the close of 28.2.2005 the actual position of the GPF account of the applicant is as under :-

" Opening balance	(-) 10,927/-
Deposit during 2004-2005	30,000/-
Penal Interest of excess	920/-
Withdrawal taken	
Withdrawal :-	
15,000/- July 2004 (B-11)	
10,000/- September 2004 (B-12)	25,000/-
	<u>6,847/-"</u>

It is further stated that as per the statement shown above the applicant has already taken excess amount of Rs.6,847/- against the balance of the GPF A/c at the close of 28.02.2005 which amount was subsequently deposited by him in unclassified receipt dated 3.3.2005

at Shastri Nagar, H.O. Jaipur. Thus, according to the respondents the present application is wholly misconceived and the applicant is not entitled to any relief.

4. I have heard the learned counsel for the parties.

5. Learned Counsel for the applicant submits that he is not disputing the fact that a sum of Rs.3000/- in excess was wrongly shown as opening balance for the year 1981-82 and the respondents were within their right to recover the sum of Rs.3000 and interest admissible from time to time from 1981-82 to 31.03.2004. But the grievance of the applicant is that the respondents have also recovered penal interest of excess withdrawal taken by the applicant amounting to Rs.920/- which the respondents are not entitled to recover as the applicant cannot be made responsible for the lapse on the part of the respondents while maintaining the GPF account.

6. I have given due consideration to the submissions made by the learned counsel for the parties. I am of the view that the applicant is entitled to the limited relief to the extent, so far as it relates to the recover of sum of Rs.920/- a penal interest taken on excess withdrawal amount as the excess withdrawal was permitted by the respondents to the applicant. As such, the respondents cannot be absolved from their responsibility of paying

excess withdrawal to the applicant, even if, the applicant may be to some extent responsible for not informing the respondents regarding discrepancy which has occurred in the GPF statement of the year 1981-82 onwards. Accordingly, the present OA is allowed. Respondents are directed to refund a sum of Rs.920/- to the applicant within a period of six weeks from the date of receipt of a copy of this order.

7. With these observations, the OA shall stand disposed of with no order as to costs.

  
(M. L. CHAUHAN)  
JUDICIAL MEMBER

P.C./