

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/01117/2016

Jabalpur, this Thursday, the 22nd day of August, 2019

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER

Suraj Singh, S/o Jodan Singh, aged about 60 years, R/o Village Kahariya, Post – Dang Tehsil Rethi Distt. Katni -Applicant

(By Advocate – Shri H.R. Bharti)

V e r s u s

1. Union of India through the General Manager, West Central Railway, Jabalpur 482001.

2. The Divisional Railway Manager, West Central Railway, Jabalpur (M.P) 462001 -Respondents

(By Advocate – Smt. A. Ruprah)

O R D E R (O R A L)

The brief facts of the case are that the applicant was working as a Gangman with the respondent department. He submitted his resignation, which was accepted by the Competent Authority on 01.03.1989 (Annexure A-1). After his retirement, he received a letter dated 15.10.1991 (Annexure A-2) to deposit Rs.441/- so that the Provident Fund (for brevity 'PF') can be paid to him. He was again asked on 02.02.1999 (Annexure A-3) for the same. The letter clearly mentions that no deductions can be made from the Provident Fund.

2. The applicant submits that he has deposited the money in 1991. However, the respondents have not settled his Provident Fund dues.

3. He has, therefore, sought for the following reliefs:

“8. RELIEF(S) SOUGHT:

The applicants, therefore, humbly pray that this Hon'ble Tribunal may kindly be pleased to –

(i) That in view of above it is therefore prayed before this Hon'ble Court may kindly be direct to the respondents for provide pension to the applicant from the date of retirement i.e. 1/3/89 along with settlement dues of the applicant for the ends of justice.

(ii) Any other relief which this Hon'ble Court may deems fit and proper may also be awarded by this Hon'ble Tribunal.”

4. The respondents, in their reply, have raised the question of limitation as the O.A has been filed after a lapse of 28 years without explaining the delay. Further, it has been submitted that as per the Railway Services (Pension) Rules, 1993, pension is not payable to the applicant due to forfeiture of his past service on resignation. It has also been stated as under:

“As far as retiral dues are concerned, Rs.5035/-, GIS Rs.630/-, provident fund, total Rs.5,665/- was due in favour of the applicant. However, there was recovery of Rs.441/- against the applicant for which, answering

respondent wrote letters dated 23.01.1990, 15.10.1991 and 02.02.1999, asking the applicant to deposit Rs.441/- in any station and deposit the receipt so that his settlement dues of Rs.5,035/- can be credited in his account. In spite of aforesaid several demands made by the answering non-applicant, the applicant did not deposit Rs.441/- due against him. Under these circumstances, applicant is not entitled to get any relief from this Hon'ble Tribunal, that too after more than two decades.”

5. Heard learned counsel for the parties and perused the pleadings available on record.
6. The issue of limitation was considered. While it is a fact that the O.A has been filed with a lapse of 28 years without explanation of delay, I find that since it is a question of payment of the Provident Fund which is the applicant's own money, the delay as far as the payment of Provident Fund is concerned, needs to be condoned. Accordingly, delay is condoned.
7. Learned counsel for the applicant fairly agrees that pension is not payable to the applicant. As far as the payment of Provident Fund and GIS is concerned, learned counsel for the applicant submits that at this stage when the applicant goes to

any Station Master to deposit Rs.441/-, the same has not been accepted for want of any authority.

8. It is a settled position that the Provident Fund money is employee's own money. The respondents, in their reply, have also stated that Rs.5,665/- is due to the applicant. However, the dues of Rs.441/- has to be received first so that settlement dues can be paid.

9. To break the stalemate, the respondents are directed to issue a fresh letter to the applicant within 30 days. This letter, demanding the dues to be paid by the applicant, may be sent at the address shown in this Original Application. Thereafter, the applicant is directed to pay the due amount within the next 60 days. After the money is paid, the respondents are directed to make necessary payment within 30 days thereafter.

10. O.A is disposed of accordingly. No costs.

**(Navin Tandon)
Administrative Member**

am/-