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Central Administrative Tribunal, Principal Bench

O.A.No.544/2003

New Delhi, this the 15th day of October, 2003.

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member(A)

Chetan Prakash,
T-19/1, Uri Enclave,
Brar Square,
Delhi Cantt. 10

....Applicant

(By Advocate: Shri N.R. Swamy)

versus

1. Union of India, through
The Secretary,
Ministry of Defence,
South Block, Vijay Chowk,
New Delhi-11
2. Headquarters,
Chief Engineer,
Delhi Zone,
Delhi-10
3. Headquarters,
Commander Works Engineer (Utility),
Delhi Cantt-10
4. CE/ E/M Water Supply,
Delhi Cantt-10
5. Controller Defence Accounts,
Western Command,
Sector -9C,
Chandigarh.
6. GE (Base Hospital),
Delhi Cantt. 10

....Respondents

(By Advocate: Ms. Meenu Mainee)

Order(Oral)

By Justice V.S. Aggarwal, Chairman

The applicant is working in Military Engineering Service as Refrigeration Mechanic. By virtue of the present application, he seeks a direction to refund the amount recovered from his pay bills for the past 14 years with interest.

2. Some of the relevant facts can be delineated. The applicant had taken a policy from Life Insurance Corporation (LIC). He requested that Rs.87/- should be

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deducted per month from his salary to be paid as premium to the LIC. The said amount was being deducted regularly. The grievance of the applicant is that it was not being credited to the account of the LIC against the policy taken by him. He was informed that inadvertently the amount was being credited to the account of Postal Life Insurance Department (PLI Department). The applicant had no policy from the PLI Department. In this backdrop, the applicant contends that he is entitled to the refund of the amount deducted from his salary bills.

3. In the reply, the facts are not in dispute. We were informed by the learned counsel that the amount was deducted from the salary of the applicant. The respondents are trying to find out ~~as to~~ in which account, the same had been credited.

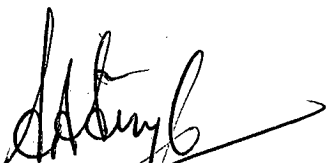
4. To keep the records straight, we deem it necessary to mention that earlier the applicant had filed O.A.2405/2001. It was decided on 17.12.2002. This Tribunal had recorded that there was no jurisdiction to deal with the LIC or with the PLI and, therefore, the said petition was dismissed. This prompted the applicant to file the present petition.


5. Resume of the facts given above clearly indicate that an amount of Rs.87/- was being deducted every month from the salary of the applicant from March, 1984 and he does not get any credit in terms that it was not credited to the Life Insurance policy taken by him. For the fault of the functionaries of the Union, necessarily the applicant cannot be made to suffer. His hard earned money was being deducted for a purpose which the applicant thought would serve him in the later years. The respondents, therefore, are liable to refund the amount to the applicant.

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Since the amount has been deducted and not credited, the respondents are also liable to pay interest on the amount.

6. Accordingly we allow the present application and direct the respondents to calculate the amount deducted from the salary of the applicant from March, 1984 for 14 years and it should be refunded to him with interest at the rate of 8% per annum on the principal amount till the payment is made. The applicant is also entitled to the cost of the litigation which is assessed at Rs.3,000/- (Rupees three thousand only).


(S.A. Singh)
Member(A)


(V.S. Aggarwal)
Chairman.

/dkm/