

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2271/2003

New Delhi, this the 9th day of November, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Tarsem Lal Verma
7-A, M.S.Flats, Minto Road
New Delhi - 110 002.

...Applicant
(Applicant in person)

V E R S U S

UNION OF INDIA : THROUGH

1. Secretary
Ministry of Defence
South Block, New Delhi.
2. Controller General Defence Accounts
West Block V, R.K.Puram, New Delhi - 66.

...Respondents

(By Advocate Sh. S.M.Arif)

O R D E R

The applicant who was a Photographic Officer in AFFPD in the Ministry of Defence appears to have been reinstated in service, after his dismissal from service as Photographic Officer in consequence of the orders of the Tribunal dated 3-10-97, and who joined duty on 10-10-97. He has claimed that the Tribunal had given directions to pay him all arrears and salary at the earliest. Bill for payment was passed in February, 1998. Interest, which became due on GPF contributions, was not given to him monthwise, as alleged by him, in violation of Rule 12 of GPF Rules and also in violation of GIMF OM No. F.16 (5)-E.V (B)/74 dated 14-10-74. He has given an account of the sums which were deposited in his savings account towards payment of the amounts in compliance with the orders of the Tribunal. He has also referred to the fact that the amounts were to be deposited in the RBI account of the Defence Ministry, but the same was not done. He has alleged that after reinstatement in service, he made a number of requests for holding enquiry, while making/passing final GPF/CGEIGS withdrawal bills. But no action was taken by the Department/respondents. Resultantly, no interest for the period from December 1993 to

March 1994 was given to him on the said amounts by the respondents. He has also alleged that the respondents have failed to give reply to any of his letters. He has again given an account of some deductions having been made towards GPF but not shown in the GPF statement for the period 1998-99 and 1999-2000. He has alleged that this has been done due to malafide against him. Again some excess seems to have been shown in Form No.16 in the year 1998, which was deducted from his salary due to malafide. The applicant has mentioned individual accounts in his OA as having not been refunded to him and the same having been kept pending for three months due to malafide.

2. He has also submitted that details of the amounts of GPF and CGEIGS which need to be paid to him have not been given to him till date. He has pleaded that interest on these amounts which has not been paid, be paid to him. His grievance is that his representations have also not been replied to. His entire application appears to be containing details of discrepancies of one kind or the other.

3. The respondents in their reply have, however, submitted that the entire amount due to the applicant has already been paid to him. Reference has also been made in this regard to the orders of the Tribunal reinstating him with full back wages and it has been submitted that the said payments have been made in February 1998. Some recovery also appears to have been made from his GPF subscription for the period from 7/93 to 1/98. Accordingly, his GPF final settlement was made for an amount of Rs.73,715/- against bill dated 21-1-94 and an amount of Rs.3864/- as saving under CGEIGS. The applicant seems to have been dismissed from service again on the grounds of various misconduct on 9-11-2001 and has been paid all the entitled dues. Again it is observed that the respondents have given an account of various amounts paid to the applicant and recovered from him. On the question of the amount paid on account of income tax being refunded to the applicant, the respondents have submitted that the same has to be taken up with the Income Tax Deptt. who are not a party in the present OA. They have also found some mistakes in Form No.16 in 2002 in which name of the employer and name of the employee as Sh. T.L.Verma are wrong. It is further observed that the details of the amount of Rs.73,715/- (GPF) have already

S. Verma

been intimated to the subscriber (applicant) and which fact had been explained by the respondents in their reply to the relevant paragraph of the OA.

4. In paragraph 4.7 of the reply, the respondents have given details of payments made to the applicant. The final payment of GPF is claimed to have been made by the respondents after allowing interest thereon. The detailed calculation sheet has also been furnished by the respondents at Annexure R-4.

5. The applicant in his rejoinder, as is the case in most of the cases, has again talked of Rs.73,715/- and Rs.40,205/- having been paid to him without interest. He has alleged that he did not receive any intimation as mentioned by the applicant in this regard in paragraph 4.7 of the OA.

6. On examination of the facts as submitted by the applicant as well as the respondents, it is thus observed that this OA, which is essentially related to the claim of the applicant regarding payment of interest on his GPF balance and also CGEIGS involves calculation of the deductions on account of GPF, interest paid thereon, recoveries made therefrom, amount of CGEIGS due to the applicant etc. I find that the submissions made by both the parties involves a large number of figures and it is not quite appropriate for them to bring up these details before the Tribunal for adjudication. This would essentially involve verification and calculation made by the respondents in regard to the payments having been made by them to the applicant and to convince the applicant that the payments have been paid to him as per the instructions on the subject and as admissible under the Rules. The respondents could not have paid the applicant beyond what is admissible under the Rules. However, it remains quite a matter of concern that the respondents have not replied to the representations as filed by the applicant on the subject. From what has been submitted by the respondents, it is quite clear that they have paid the amounts of GPF and also CGEIGS standing to the credit of the applicant after making the necessary deductions from the GPF amount. This aspect of the matter has not been disputed by the applicant whose sole demand has been to seek payment of interest on the amounts of GPF.

7. Under these circumstances, I dispose of this OA with directions to the respondents to allow a personal audience to the



applicant in which he will have the liberty to present the information that he has in regard to payment of his GPF and CGEIGS balances and the respondents shall verify the same with reference to the records that are available with them in this regard. The respondents shall ensure that the matter is sorted out and reply is given to the applicant within a period of three months from the date of receipt of a copy of this order after giving an audience and carrying out necessary verification. The applicant shall have liberty to submit any further document to the respondents during the course of personal audience or even earlier in the matter.

8. With this, this OA stands disposed of in terms of the above directions.


(Sarweshwar Jha)
Member (A)



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