

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 692/2019

New Delhi this the 20th November, 2019

Hon'ble Ms. Aradhana Johri, Member (A)

H.D. Mathur, aged 75 years, 'B'
S/o Sh. G. D. Mathur,
Retired Chief Office Superintendent,
Delhi Division, Northern Railway, New Delhi.
R/o Villq No. 5, GH-7, Crossing Republic,
Near Gallerya Post Office, Ghaziabad (UP)

.....Applicant

(By Advocate: Sh. Yogesh Sharma)

VERSUS

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager
Northern Railway, Delhi Division,
State Entry Road, New Delhi.
3. The Divisional Personnel Officer / Settlement,
Northern Railway, Delhi Division,
State Entry Road, New Delhi.
4. The Sr. Divisional Finance Management,
Northern Railway, Delhi Division,
State Entry Road, New Delhi.

.....Respondents

(By Advocate: Sh. Krishna Kant Sharma)

ORDER (ORAL)

- 1.0 The applicant Sh. H. D. Mathur retired as Chief Office Superintendent from Delhi Division of Northern

Railway. He filed OA No. 4509/2018 in which following order was passed on 07.12.2018:-

"3. Having regards to the submissions made and without going into the merits of the case, I dispose of this O.A. at the admission stage with direction to respondent No.4 to decide the pending Annexure A-2 representation of the applicant by passing a reasoned and speaking order within a period of eight weeks from the date of receipt of a copy of this order. In case the respondent No.4 comes to a conclusion that GPF indeed has not been paid to the applicant, then he shall release the same within four weeks of passing the order, together with interest @ 8% per annum."

2.0 It is the contention of the applicant that he did not receive the cheque for payment of GPF amounting to Rs. 48640/-. He has prayed that the respondents be directed to grant the PF amount along with the interest.

3.0 The respondents have issued letter No. Sr.DFM/Misc/17-18 dated 17.01.2019 which states the following:-

"Ongoing through the contents of your representation dated 09/07/2018 at S. No. 16, it is revealed that you had submitted that you had been retired on 30/06/2003 and the payment of GPF has not been released till date.

You had been further informed vide this office letter no. ADFM/PF/RTI/Misc. Dt. 17.08.2018 that the GPF amounting Rs. 48640/- passed vide AB no. 2204 dt. 25.06.2003 and CO7 no. 871 dt. 25.06.2003 through party code 010759 in favour of Sh. Harbansh Dayal Mathur through Cheque mode.

From the above facts and as per directions of the Hon'ble CAT/New Delhi, this office has verified the records through Cheque Section and the cheque no. was not traceable as the preserve time period of cheque requisition is 5 years, i.e. cheque

requisition of 2003 has been destroyed as per the codal provision thus making the required information time barred.

This has the approval of Sr. DFM/Delhi."

4.0 The respondents have claimed that they issued a bank cheque in favour of the applicant but the preserved time period of cheque requisition is 5 years, therefore, the cheque requisition of 2003 has been destroyed as per the codal provision.

5.0 The applicant has filed photocopy of his passbook of Panjab National Bank, A/c No. 11152, Branch at Kishanganj and brought original passbook as well which shows no receipt of amount of Rs. 48640/- within a period of six months w.e.f 25.06.2003 i.e. the date of issuance of cheque. He has also stated that he is willing to file an affidavit to the effect that he had no other bank account during that period to support his claim that he has not received any payment of GPF. He, however, stated that he had a pension account, the copy of which passbook, he will provide to the applicant so that he can be satisfied that the cheque has not been deposited thereafter.

6.0 Learned counsel for the respondents stated that the OA should be filed within a period of five years during which time records were maintained regarding the cheque record.

7.0 Learned counsel for the respondents has sought sometime to verify independently regarding whether the applicant had any other bank account within a period of six months of issuance of cheque.

8.0 After having heard the learned counsels for both sides, it is directed that the applicant will provide an affidavit to the respondents clearly stating that he did not have any bank account during the aforementioned period other than the accounts mentioned in the Court. He will also show the passbooks to the respondents. Learned counsel for the respondents prayed that the respondents may verify whether the applicant had no other bank account. This verification may be done within a period of two months. The respondents should also verify from their own bank account whether the said amount was debited at all. If it is confirmed that the applicant did not receive the said payment then the respondents are directed to make payment of GPF to the applicant.

**(Aradhana Johri)
Member (A)**

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