

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

Present: Hon'ble Mr. Rajendra Singh

----- Vice Chairman (J)

CLAIM PETITION NO. 69/NB/SB/2022

Prakash Chandra Tiwari, aged about 66 years, s/o Late Sri Mathura Dutt Tiwari,
r/o House no. 5/912 Malla Gorakhpur Behind S.B.I. Main Branch Haldwani.

.....Petitioner

Vs.

1. State of Uttarakhand through Principal Secretary Forest Dehradun
2. Divisional Forest officer Western Circle Haldwani District Nainital
3. Accountant General (Accounts and Entitlement) Uttarakhand,
Mahalekhakar Bhwan Kaulagarh Dehradun.
4. Accountant General (Accounts and Entitlement) II, Uttar Pradesh
Prayagraj.
5. Accountant General II (Accounts and Entitlement) Uttar Pradesh Vibhuti
Khand Audit Building Fourth Floor Gomti Nagar Lucknow.
6. Controller and Accountant General of India, Government of India New
Delhi.

.....Respondents

Present: Sri Harish Adhikari, Advocate for the petitioner

Sri Kishore Kumar, A.P.O. for the respondents no. 1 & 2

Sri Rajesh Sharma, Advocate for the respondents no. 3 to 6

JUDGMENT

DATED: MAY 22, 2023

By means of present claim petition, the petitioner seeks the following reliefs:

“(i) To issue order or direction appropriate in nature by directing the Respondents to forthwith release the amount of G.P.F. deductions, alongwith arrears of salary including the arrears of D.A deposited in the GPF account of the Petitioner from 29-07-1975 to 28-03-1984 alongwith 20% compounding interest after calling the entire records from the respondents or in alternate pass any appropriate orders keeping in view of

the facts highlighted in the body of the petition or mould the relief appropriately.

(ii) To issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. Brief facts of the case are that the petitioner was initially appointed on the post of Junior Clerk on 29-07-1975 and after his induction in service the respondents no.1 and 2 regularly deducted the amount of G.P.F from the monthly salary of the petitioner in his G.P.F. Account No. FU/11510. During his service in the respondent no.1 department, the petitioner applied for the post of Labour Inspector after taking permission from the department. He participated in the selection process of the UPPSC and was selected on the post of Labour Inspector in the labour department of the erstwhile state of U.P. The respondent no. 1 accepted the resignation of the petitioner on 28-03-1984 and pursuant to the appointment order, the petitioner joined his services in the labour department on 29-03-1984.

The labour department has allotted the petitioner a new G.P.F. Account Number and started deducting the G.P.F. amount from his monthly salary. It is submitted that at that time, the labour department who had the knowledge about the past service of the petitioner never contacted to the earlier employer of the petitioner i.e. respondent no.1 under which the petitioner has served from 29-07-1975 to 28-03-1984.

The petitioner after attaining the age of 60 years was superannuated from service w.e.f. 30.09.2016 and the respondent no 3 who was duty bound to collect all the details of the petitioner including the G.P.F deductions in the previous service, and Group Insurance six months prior to his superannuation has failed to discharged its duty and only paid the amount of G.P.F. to the petitioner from his G.P.F. Account No. LEU 9314 w.e.f. 29-03-1984 to March 2016.

It is further submitted on behalf of the petitioner that after superannuation of the petitioner, the respondents no.1 and 3 paid the retiral dues of the petitioner. In the year of 2018 after going through the

details of the amount of G.P.F. then it was found that the respondent no.3 had only paid the amount of G.P.F. pertaining to the G.P.F. Account No. LEU 9314 and the Respondent no 5 has not transferred the amount of earlier deduction of G.P.F. made by the earlier employer in G.P.F. Account FU/11510. The petitioner after having the knowledge of this fact that the respondents have not paid the G.P.F. accumulations of his earlier services in the forest department from 29-07-1975 to 28-03-1984 from his earlier G.P.F. Account No. FU/11510 which included arrears of his revised salary due to pay commission recommendation and D.A. arrears within that period made detail representation to the all the respondents on 04-04-2018.

In response to the representation of the petitioner, the respondent no. 5 vide its letter dated 24-05-2018 asked the petitioner to collect the details of deductions from his earlier department i.e. forest department and submit the same, so that further action may be taken in this matter. Thereafter in response to that, the petitioner informed the respondent no.5 vide a detail letter dated 22-06-2018 (Annexure no. 3) furnishing each and every detail of his deductions and also requested them that the respondents can verify this from the cashbook of the respondent no.2 but thereafter the respondents indulged in shifting the blame for non credit of the amount to each other.

3. In para 5 of the Counter Affidavit filed on behalf of the respondents no. 3 to 6, it has been stated that:

5- That in reply to the contents of paragraph no. 4.6 of the claim petition, it is submitted that from the scrutiny of the important details and bio-data page of Petitioner's GPF Passbook Account No. LEU-9314, it would be relevant to quote that neither original or attested photocopy of previously allotted GPF Passbook/Ledger Cards bearing No.FU-11510 of his first employer i.e. Forest Department were provided nor details of the same were recorded in GPF Passbook Account No. LEU- 9314 of Petitioner(Annexure No. CA-5). Hence, it would be worth mentioning here that until requisite GPF Passbook bearing Account No.FU-11510 and other relevant collateral evidences are received from DDO concerned, it would

be not possible for Answering Respondent to work out and authorize actual GPF payment payable for the period 29.07.1975 to 28.03.1984 in favour of petitioner.

Further it is submitted that as of now no action is remains pending at the level of Answering Respondent in the instant case.

4. In para 11 of the C.A. filed on behalf of the respondents no. 1 & 2, it has been stated that:

11— यह कि याचिका के प्रस्तर संख्या 4.16 में किये गये कथन के सम्बन्ध अवगत कराना है कि महालेखाकार (लेखा एवं हकदारी) ने अपने पत्र दिनांक 19.09.2022 से महालेखाकार (लेखा एवं हकदारी) द्वितीय, चतुर्थ तल, आडिट भवन विभूति खण्ड लखनऊ को पत्र प्रेषित किया है जिसमें यह उल्लेख है कि अभिदाता/ याची के पुराने खाता सं० FU/11510 का वर्ष जुलाई 1975 से मार्च 1984 तक की धनराशि स्थानान्तरित करने हेतु पत्र प्रेषित किया गया है, अवगत कराना है कि आपके पत्रांक: निधि- 78 / CAG/OD&302&1791 दिनांक 27.12.2018 द्वारा स्पष्ट किया गया है कि अभिदाता / याची के पूर्व खाता सं० FU / 11510 का वर्ष जुलाई 1975 से मार्च 1984 तक की धनराशि माह 12/1992 को नवीन लेखा सं० LEU / 9314 में स्थानान्तरित कर दिया गया है। उक्त से स्पष्ट है कि याची के प्राचीन खाता से FU/11510 की धनराशि नवीन खाता सं० में LEU / 9314 स्थानान्तरित कर दो गई है। इसके अतिरिक्त यह भी अवगत कराना है कि कार्यालय महालेखाकार उत्तर प्रदेश द्वारा त्याची के पूर्व खाता सं० FU/11510 का वित्तीय वर्ष 1981-82 का बैलेंस सीट (फार्म सं० 80) जारी की गई है जिसमें मार्च 1982 तक याची के खाते में रू० 2343 मात्र अवशेष था। कार्यालय में माह मार्च 1983 से फरवरी 1984 तक के सामान्य भविष्य निधि कटौती सम्बन्धी अभिलेख उपलब्ध हैं, जिनसे स्पष्ट होता है कि याची के वेतन से प्रति माह सव 40 मात्र की कटौती हो रही थी।”

5. During hearing learned Counsel for the parties, learned Counsel for the petitioner submitted that the petitioner has already moved representation to the respondent no.5 on 22-06-2018 (Annexure no. 3) furnishing each and every detail of his deductions and also requested them that the respondents can verify this from the cashbook of the respondent no.2, but no decision has been taken on the representation of the petitioner. Learned Counsel for the petitioner requested that the respondent no. 5 kindly be directed to take suitable decision on the representation dated 22.06.2018 (Annexure no.3) of the petitioner, at an

early date, as per law. Learned Counsel for the respondents have no objection to the same.

6. Claim petition is, accordingly, disposed of, by directing Respondent No. 5, to decide representation dated 22.06.2018 (Annexure: 3) of the petitioner, by a reasoned and speaking order, in accordance with law, within a period of three months of presentation of certified copy of this order along with copy of representation dated 22.06.2018 (Annexure: 3).

7. The petitioner, if aggrieved by the order passed on the representation, shall be at liberty to approach this Tribunal by filing a fresh claim petition.

8. When such representation is decided, it will be the responsibility of the respondent department to communicate the same to the petitioner. No order as to costs.

(RAJENDRA SINGH)
Vice Chairman (J)

Dated: 22.05.2023
Nainital.
KNP