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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3363/2002

Friday, this the 14th day of November, 2003

Hon'ble Shri Justice V.S.Aggarwal, Chairman
Hon'ble Shri S. K. Naik, Member (A)

Shri C.V.Gopinath
s/o Shri Venkatakrishnaiah
r/o D-1/3, Bharti Nagar
Maharshi Marg, New Delhi-3

..Applicant

(By Advocate: Shri M.L.Chawla)

Versus

1. Union of India through
Member (Services)
Department of Telecommunications
Ministry of Communications
Sanchar Bhawan, New Delhi
2. Assistant Director General (Per-IV)
Department of Telecommunications
Sanchar Bhawan, New Delhi

..Respondents

(By Advocate: Shri D.S.Mahendru)

O R D E R (ORAL)

Justice V.S.Aggarwal:

By virtue of the present application, the applicant seeks to quash the impugned/demand of the respondents whereby they have started recovery from the pay of the applicant and further to refund the amount already recovered from the applicant.

2. Most of the facts are not in dispute. The applicant is an employee of the Telegraph Traffic Service. He had obtained a loan of Rs.1 lakh for building a house on 16.7.1984. The entire balance of the loan together with interest was paid by 10.3.1995. On 27.4.1995, the 'no due certificate' was issued to the applicant at his request. In December, 1995, with the permission of the respondents, the applicant has sold the



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house. On 19.2.2002, the respondents made a ~~statement~~ ^{demand} for submission of the insurance papers for some of the insurance policies after a lapse of seven years. The applicant informed the respondents that he has no records available in this regard.

3. Despite that, the respondents started effecting the recovery @ Rs.850/- per month from the salary of the applicant. The applicant assails the said recovery primarily on the ground that he had already sold the house and at this stage, it was not possible for the applicant to produce the relevant record.

4. The petition has been contested.

5. We have already given the sequence of events. It shows that the house building loan was taken which was repaid. In 1995, 'no objection certificate' even was obtained. Thereafter, the applicant with permission of the respondents had sold the said house. At this stage, after a delay of more than seven years, the applicant was called upon to produce certain insurance certificates.

6. Delay not only defeats equity at times, it, in the facts of a particular case, can even prejudice a particular person. In the facts of the present case, it appears to be so. The applicant has already sold the house, therefore, after seven years of sale of the house, it would be improper for the respondents to insist for the production of the insurance certificates. To that effect, therefore, the demand made by the respondents could not be sustained.

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7. For these reasons, we allow the present application and keeping in view the inordinate delay, quash the impugned order/demand of the respondents. The respondents are directed to refund the amount already recovered from the applicant.

S. K. Naik

(S. K. Naik)
Member (A)

V. S. Aggarwal

(V. S. Aggarwal)
Chairman

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