

CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORIGINAL APPLICATION No.25 OF 1988

Date of decision ... January 21, 1988.

Shri M.K.Dash, Asst. Superintendent, Office of the Regional Assistant Director, National Sample Survey Organisation, (Field Operations Division), Orissa (E) Region, Plot No.3-A, Budheswari Area, Bhubaneswar-6.

Versus ... Applicant.

1. Union of India, through its Director, National Sample Survey Organisation (Field Operations Division,) West Block No.8, Wing No.6, 1st Floor, R.K.Puram, New Delhi- 110 066.
2. Regional Assistant Director, National Sample Survey Organisation (Field Operation Division), Orissa (E) Region, Plot No.3-A, Budheswari Area, Bhubaneswar-6.

... Respondents.

Mrs. R.Sikdar, Advocate .. For Applicant.

Mr. A.B.Misra, Sr. Standing Counsel (Central) .. For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P.ACHARYA, MEMBER (JUDICIAL)

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1. Whether reporters from local papers have been permitted to see the judgment ? Yes .
 2. To be referred to the Reporters or not ? *ND*
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .
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J U D G M E N T

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant challenges the order passed by the competent authority, vide Annexure-A/7 dated 11.11.1987 directing recovery of Rs.5,200/- plus penal interest Rs.379/- from the applicant and Annexure-A/7 is sought to be quashed.

2. Shortly stated, the case of the applicant is that he is an employee working under the Regional Asst. Director, National Sample Survey Organisation, Orissa (E) Region, Bhubaneswar. An application was made by the applicant to sanction an advance for purchase of a scooter. The competent authority sanctioned Rs.6500/- for the purpose on 11.6.1986, vide Annexure-2. This advance was actually available to the petitioner on 6.8.1986. The petitioner is said to have defaulted in the matter of purchase of a scooter within the stipulated period i.e., within one month from the date of availing the advance. In such circumstances, the petitioner should have purchased the scooter on or before 6.9.1986 failing which he should have prayed for extension of time. Neither the petitioner purchased the scooter within the stipulated period nor did he ask for extension of time. Hence, order contained in Annexure-A/7 has been passed for recovery of the amount for which the petitioner feels aggrieved and has moved this Bench for quashing of the said order.

3. We have heard Mrs. Sikdar, learned counsel for the petitioner and Mr. A.B. Misra, learned Sr. Standing Counsel

for the Central Government at some length. True it is that the petitioner should have asked for extension of time as he did not purchase the scooter within the stipulated period. Mrs. Sikdar submits that since the mother of the petitioner was very seriously ill and ultimately died of the disease, she was suffering from, there occurred some delay in the matter of purchase of the scooter and due to the mental disturbance of the petitioner, the application could not be made for extension of time. At the risk of repetition, we may say that it was the bounden duty of the petitioner to ask for extension of time but the extenuating circumstances stated above and especially of the fact that the scooter has been purchased on 12.12.1986 heavily weighs with us to take a liberal view in the matter. Annexure-A/3 is the invoice given by M/s Lipi Motors, 140, Cuttack Road, Bhubaneswar and Annexure A/4 is the receipt granted by the said Lipi Motors in token of having sold a scooter for Rs.7500/- to the petitioner Sri M.K.Das. In such circumstances, keeping in mind the prayer of the petitioner to take a lenient view in the matter, we think that the aforesaid laches on the part of the petitioner should be condoned and we do hereby condone the same. Hence the order vide Annexure A/7 is hereby quashed and the competent authority would realise the advance money still out-standing to be realised from the petitioner as per sanction order contained in Annexure-A/2 i.e, Rs.100/- per month. The amount already realised from the petitioner in consequence of the order passed under Annexure-A/7 be adjusted towards the instalments payable by the petitioner in future. No penal interest

shall be levied on the petitioner.

4. Thus, the application is accordingly allowed leaving the parties to bear their own costs .



[Signature]
21.1.88
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Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,

I agree.

[Signature]
21.1.88
.....
Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
January 21, 1988/Roy, SPA.