

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.215/2003.

Friday this the 11th day of April 2003.

CORAM:

HON'BLE MR.T.N.T NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

G.D.Nataraja Pillai, Meter Reader,
O/o Garrison Engineer, Army,
Thirumala P.O., Trivandrum-6. Applicant

(By Advocate Shri.M.R.Rajendran Nair)

vs.

1. Controller of Defence Accounts, 506,
Anna Salai, Taynampet, Chennai-688 818.
2. Engineer in Chief, ENC Branch,
Army Headquarters, DHQ P.O.,
New Delhi.
3. Garrison Engineer, Army,
Trivandrum-6.
4. Union of India, represented by its
Secretary to Government of India,
Ministry of Defence,
New Delhi.

(By Advocate Shri P.J.Philip, ACGSC)

The application having been heard on 11.4.2003, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. T. N. T. NAYAR, ADMINISTRATIVE MEMBER

The applicant is aggrieved that even after the repayment of the entire House Building Advance including interest thereon in full, the original documents in respect of the property i.e. Registration of the landed property and Mortgage Deed have not been returned to him. A-4 letter confirms that the applicant had made a request for the return of the original documents and that the said request was routed through proper channel. By A-5 letter dated 31.12.02, the 3rd respondent forwarded a copy of the Re-conveyance Deed to the 2nd respondent with the request that the original Sale Deed and Mortgage Deed submitted by the applicant be returned to the 3rd respondent's office at an early

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date to enable that office to hand over the same to the applicant as he was in urgent need of the same. This has not been done so far. Hence, this application with a prayer for a direction to the 2nd respondent to return the original documents of the applicant's property deposited for availing loan.

2. When the matter came up for admission on 19.3.2003, learned SCGSC appeared on behalf of the respondents and sought three weeks' time to get instructions and to make a statement. Accordingly, the matter has come up for further consideration today. When the matter was taken up for consideration today, Shri M.R.Rajendran Nair, learned counsel for the applicant submitted that, since the applicant was in urgent need of the documents and since there is no dispute about the fact that the entire loan has been repaid and the documents are with the 2nd respondent, the 2nd respondent may be directed to return such documents within a specified time frame. He would also submit that, if such a direction is given, the purpose of this O.A. would be served.

3. Shri P.J.Philip, learned ACGSC appearing for the respondents has stated that, he has not been able to get the instructions in the matter. However, the respondents would have no objection, if the O.A. is disposed of by directing the 2nd respondent to release the documents within a time frame fixed by the Tribunal.

4. On going through the records and having regard to the contentions put forward by the learned counsel for the applicant, we are of the opinion that, the applicant is entitled to get back the documents if the Government dues are paid in full. Apparently, he has discharged his liability as is reflected in A-5 communication, wherein the 3rd respondent has requested the 2nd respondent to release the original Sale Deed and Mortgage Deed.

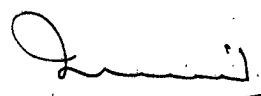
We also understand that the applicant is in urgent need of the documents. In any case, if the loan is repaid with interest, there is no reason why the documents are kept back with the respondents.

6. Under the circumstances, as agreed to by the learned counsel on either side, we dispose of this O.A. by directing the 2nd respondent to verify the records and release the original Sale Deed and Mortgage Deed within a period of six weeks from today. No costs.

Dated the 11th April, 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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