

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A No.228/93

Thursday this the 20th day of January, 1994.

CORAM:

THE HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

THE HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.P.Singh Dhanjal,
Superintending Engineer,
Commander Works Engineer,
Khatari Bagh, Kochi-4.

.. Applicant

By Advocate Mr.Sathi Kumar

vs.

1. Union of India represented by the Secretary, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Military Engineer Services, Kashmir House, New Delhi.
3. The Controller of Defence Accounts, Ministry of Defence, Head Quarters, New Delhi.
4. The Delhi Development Authority, Vikas Sadan, Near I.N.A.Colony, New Delhi represented by its Director. ..Respondents

By Advocate Mr.Mathew G.Vadakkel

ORDER

CHETTUR SANKARAN NAIR(J),VICE CHAIRMAN:

Applicant, employed under Respondents 1 and 2 obtained a Housing Loan. It is said that Respondent No.3 agreed to make payments to the 4th respondent, who was to build a flat for applicant. It is stated further that 3rd respondent delayed payments, leading to accrual of huge interest. Applicant submits that 3rd respondent should be directed to bear the burden of the interest.

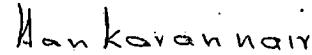
2. Though eleven adjournments were granted, the tenth on costs, 3rd respondent has not filed a reply statement. It is said that counsel

has not received any instructions. The third respondent against whom a monetary claim is made, should have shown a greater sense of responsibility in defending such a claim. He owes a duty to protect the public exchequer in accordance with law. Responsibility of 3rd respondent could be only on the basis of a tripartite agreement, to which advertance is made in Annexure A1. That agreement is not before us and we do not propose to adjudicate on the alleged liability for that reason. We dismiss the application without expressing any opinion on the merits. We make it clear that the bar of res judicata will not stand against the applicant, by the dismissal of this application. No costs.

Dated the 20th January, 1994.


P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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