

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 245/2005

WEDNESDAY THIS THE 30TH DAY OF NOVEMBER, 2005

CORAM

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

Dr.Sant Lal S/o Jokhan Lal,
aged 62 years,
Deputy Director (Retired)
Directorate of Cashew and Cocoa
Development, Kochi residing at
House No.38/295, Raman Colony,
Karshaka Road, Kochi.16.Applicant

(By Advocate Mr. M.R.Hariraj)

V.

- 1 Union of India, represented by the
Secretary to Government of India,
Ministry of Agriculture, New Delhi.
- 2 The Director of Cashewnut and Cocoa
Development, Kera Bhavan
Kochi.11.Respondents

(By Advocate Mrs. Mariam Mathai, ACGSC)

The application having been heard on 21.11.2005 the Tribunal on 30th day of November, 2005 delivered the following:

O R D E R


HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The grievance of the applicant in the present O.A is that the respondents are not returning the original documents deposited by him with them for availing House Building Advance (HBA for short) amounting to Rs. 5,00,000/- even after duly discharging the liabilities on 31.1.03. For

3

availing HBA he had submitted the original Mortgage Deed, Agreement in Form No.5, Personal Bond and Sale Deed of the Property Mortgaged to the second respondent, namely, the Director of Cashewnut and Cocoa Development.

2 The respondents in their reply has taken the preliminary objection that the issue involved is not a service matter and hence this Tribunal has no jurisdiction to entertain and adjudicate the issue raised in the O.A. They do admit that under Rule 13 of the HBA Rules, after the re-conveyance deed is executed and registered the original documents shall be handed over to the official along with other documents deposited by him and a receipt thereof shall be taken from the official and kept on record along with the copy of the re-conveyance deed. The original title deed was misplaced from their office and it could not be located despite best efforts. The respondents have further submitted that the missing of the aforesaid documents were noticed only when the applicant made a belated application for returning the same and it was not known at what point of time the documents were lost as the Directorate was functioning in a rented building at Bright House, Karimpatta Cross Road, Ernakulam and it was shifted to the present premises at Kera Bhavan in November, 1999. The respondents suspect that the documents could have been lost during the transit on shifting during the month of November, 1999. In that circumstances the applicant was given a certificate to the effect that the title deed in respect of the property comprised in Sy.Khasara No.21/1, 21/3, Patwari Circle No.39, Village Dhamkheda Veeran, Panchayat Akbarpur Taluk, Huzur, Bhopal (M.P) submitted to the Directorate of Cashewnut and Cocoa Development, Kera Bhavan, Cochin.11 is missing so that the



applicant could obtain the duplicate title deed from the competent authority.

3 We have heard the counsels on both sides and perused the records available on record. In our considered opinion the issue raised in this O.A is a not a service matter. The service matter is defined in Rule 3(q) of the Administrative Tribunals Act, 1985 which is as under:-

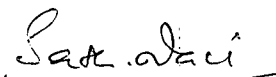
(q) "service matters", in relation to a person means all matters relating to the condition of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or as the case may be, of any corporation (or society) owned or controller by the Government, as respects--

- (i) Remuneration (including allowances), pension and other retirement benefits;
- (ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation;
- (iii) leave of any kind;
- (iv) disciplinary matters; or
- (v) any other matter whatsoever."

4 Since the issue raised in the present Original Application is not a service matter, we are not inclined to entertain the same. The applicant has to seek remedy in appropriate forum, as such situations can arise in the case of any person who has mortgaged the property with the concerned authorities and lost them subsequently. The O.A is accordingly dismissed with no order as to costs.

Dated this the 30th day of November, 2005


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

S.