

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 25 FEB 1994

APPLICATION NO(s) 999 of 1993.

APPLICANTS: G. Puttappa

v/s. RESPONDENTS: Chief General Manager,
Bangalore Telecom Dist, and Others
Karnataka Circle,

TO.

1. Sri. Ravivarma Kumar,
Advocate, No. 11,
Heevan Buildings,
Kumarapark East, B'lore-1.
2. The General Manager, Telecom Dist,
Chamber of Commerce Building,
K.G. Road, Gandhinagar, Bangalore-9.
3. Sri. M. S. Padmarajaiah, Sr. C. G. S. C.,
High Court Bldg, Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 21-02-1994.

Received for G. NO 2a

AP
Jr Account Officer
Bostel

gm*

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

Copy Received
on 28/2/94
MS Padmarajaiah
28/2/94

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A.NO.999/93

MONDAY THIS THE TWENTY FIRST DAY OF FEBRUARY 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri T.V. Ramanan ... Member [A]

G. Puttappa,
S/o Pakirappa [late],
Aged 55 years,
Working as Office
Superintendent,
O/o the General Manager,
Telecom District,
F.K.C.C.I. Buildings,
K.G.Road,
Bangalore-560 009.

... Applicant

[By Advocate Shri Ravivarma Kumar]

v.

1. The Chief General Manager,
Telecom, Karnataka Circle,
No.1, Old Madras Road,
Bangalore-560 008.
2. The General Manager,
Telecom District,
F.K.C.C.I. Buildings,
K.G.Road,
Bangalore-560 009.
3. The Director of Finance
Accounts. O/o the General Manager,
Telecom District, FKCCI Buildings,
K.G.Road, Bangalore-560 009.
4. The Accounts Officer [A&A],
Telecom District,
O/o the General Manager,
Telecom District, FKCCI Buildings,
K.G.Road, Bangalore-9.

... Respondents

[By Advocate Shri M.S. Padmarajaiah ...
Senior Central Government Standing Counsel]

ORDER

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. Heard. Admit. The applicant is aggrieved by the action
in his own office in taking away a substantial junk of his salary
in the form of recovering a loan that was given to him on an



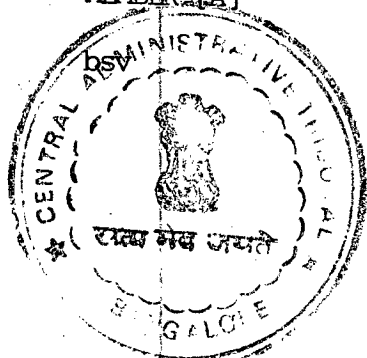
ineligible ground. We are told that it is not in dispute that the official who is working in the Telecom Department obtained a loan in the year 1989 on the pretext of buying a house but from the information made available to the Department it would appear that he had already purchased the house in 1981 from the Karnataka Housing Board and at that time he had apparently not availed himself of any loan from the Department. The Department now says that if he had already purchased the house, he could not have asked the department to sanction a loan on the ground that he was going to purchase a house. Therefore, they think that he had committed some kind of misconduct which would deserve action for recovering the loan amount from his salary.

2. Be that as it may, notwithstanding the serious flaw in the entire transaction with the official apparently taking the department for a ride in securing a loan for the purchase of a house that he had already purchased and we do not know by what means, but then the recovery of the loan amount on the ground that the transaction itself was done in a fraudulent fashion and thereby bringing the complexion of some sort of misconduct, ~~the~~ nonetheless recovery ordered could have been effected only after holding an enquiry in that behalf. Even recovering of a loan granting it is due does result in civil consequence but of course if the recovery is legitimate, nobody can complain particularly in the case of a loan obtained on an ineligible ground.

3. In the circumstance, we think the department should have first held an enquiry into the circumstances under which the loan was secured and thereafter if upon the result of the enquiry the loanee is proved to have committed any misconduct then they can punish the applicant for such a misconduct and also recover the loan advanced to him. For the aforesaid reasons we think

that the procedure adopted in effecting the recovery of the loan amount straightaway by the department is a little skewed. Therefore, it is we think it appropriate to quash the order directing recovery of loan as per Annexure A-10 but that will not be the end all or be all for we give liberty to the department to hold an enquiry on the lines indicated herein and thereafter pass appropriate orders thereon. Send a copy of this order to the Department for information and necessary action. No costs.

Sd-
MEMBER [A]



TRUE COPY

Sd-
VICE-CHAIRMAN

Sd-
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE