

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 030.

Dated: **14 MAR 1995**

APPLICATION NO. 566 of 1995.

APPLICANTS: **Sri.F.M. Ichangi,**
V/S.

RESPONDENTS: **Secretary, Deptt. of Posts, New Delhi and another.**

To

1. **Sri.S.R. Mohiyuddin, Advocate,**
No.11, Jeevan Buildings,
Kumara Park East, Bangalore-560 001.
2. **The Post Master General,**
S.K.Region, Palace Road,
Bangalore-560 001.
3. **Sri.G.Shanthappa, Additional Central**
Govt. Standing Counsel, High Court Bldg,
Bangalore-560 001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 28-02-1995.

Issued on
14/3/95

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.566/95

TUESDAY THIS THE TWENTY EIGHTH DAY OF FEBRUARY 1995

Shri Justice P.K. Shyamsundar, Vice-Chairman

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

Sri F.M. Ichangi, Age 49
years, Ex. ISG Postal Assistant,
S/o Marthandappa Ichangi,
D.No.1537, 1st Main,
15th Cross, Vinobanagar,
Davanagere.

... Applicant

[By Advocate Shri S.K. Mohiyuddin]

v.

1. Union of India
through Secretary,
Department of Posts,
New Delhi-110 001.

2. Post Master General
[S.K.Region],
Palace Road,
Bangalore-560 001.

... Respondents

[By Advocate Shri G. Shanthappa, Addl.
Standing Counsel for Central Govt.]

O R D E R

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

1. Heard. Admit. We are surprised that we should have been asked to intercede on behalf of the applicant who was a loanee of the respondent-department while in service having taken a House Building Advance ['HBA' for short] of an amount of Rs.16,300. It is now not in dispute that he has not merely built the house but he has also repaid the amount of HBA along with interest. To that effect there is a No Due Certificate



issued by the competent authority as in Annexure A-2. Shri G. Shanthappa, learned Standing Counsel, confirmed that whatever HBA was sanctioned, the applicant has been repaid with interest and that on that score he owes nothing to the department.

2. But, even so, the point now made is notwithstanding the discharge of the HBA long since, the department is still clinging on to the title deeds of the house and refusing to part with them. Presently, what the applicant requests is that the department be directed to release the title deeds since he is no longer a debtor of the department in respect of the HBA. Ordinarily there should not have been any difficulty for the department to return the title deeds once the loan amount has been discharged to the satisfaction of the competent authority. But that has not been done in the present case and we are told that the department is clinging on to the title deeds because the applicant has been hauled up before a Criminal Court at Chitradurga in connection with the alleged misappropriation of NSC amount to the tune of Rs.73,000 odd in two different transactions regards which he is presently being prosecuted. It transpires that the applicant has been removed from service and that the said order of removal is also a subject matter of appeal under the P&T Directorate.

3. Be that as it may we are not concerned with all that. When we asked the Standing Counsel why the

department is hanging on to the title deeds he submitted that it was necessary to hold up the title deeds because the man having been arraigned in the criminal court for offence of cheating, misappropriation, etc. and that the department hopes to recover the money disingeneously bagged by the applicant. But of course all that can be done only after the prosecution comes to an end subject to the applicant being convicted therein. The learned Standing Counsel raised an apprehension pointing out that if the title deeds are returned, the applicant will sell away the property and thereafter the department will be left with no security towards realisation of the money wrongly taken away by the applicant. We see no strength in this argument despite being very logical argument and we see no reason why the title deeds of the applicant's property should be still under duress, the department clinging on to it although the department had recovered the loan amount with interest and has adjudged the applicant not a debtor in that behalf. Merely because the applicant is likely to be prosecuted in which event the department may recover its dues and that is subject to the long shot with the department in establishing the charges of having committed malfeasance and misfeasance. We think it most improper on the part of the department to refuse to release the title deeds although to its knowledge there are no dues in connection with the HBA given to the applicant as he has repaid the same pie by pie.

4. We, therefore, think it proper to direct the department to return the title deeds and also express our strongest displeasure seeking to put the applicant under some kind of intimidation, a conduct which the Union Government should not be credited with. In the result this application succeeds and is allowed. There will now be a direction to the department to return the title deeds of the applicant within two weeks from the date of receipt of a copy of this order by the 2nd respondent. Shri Mohiyuddin asks for costs. However, we make no order as to costs.

Sd/-


MEMBER [A]

Sd/-

VICE-CHAIRMAN



TRUE COPY


Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore