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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 854/91.

Dt. of Order:11-11-93.

P.H.Subrahmaniam

....Applicant

Vs.

1. Union of India, Ministry of Rlys,
rep. by its Secretary, New Delhi.
2. General Manager, SC Rlys, Rail
Nilayam, Sec'bad.
3. Sr.Divisional Personnel Officer (BG),
SC Rlys, Sanchalan Bhavan, Sec'bad.

....Respondents

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Counsel for the Applicant : Shri Koka Satyanarayana

Counsel for the Respondents : Shri D.Gopal Rao, SC for Rlys

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CORAM:

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

(Order of the Single Bench passed by Hon'ble
Shri T.C.Reddy, Member (J)).

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This O.A. is filed under section 19 of the
A.T.Act, 1985, to direct the 3rd respondent to return the
title deeds of the applicant's house property and to re-
fund the amounts that are with held by the Respondents
and to pass such other order or orders as may deem fit
and proper in the circumstances of the case.

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2. The facts so far necessary to adjudicate this O.A. in brief are as follows :-

The applicant herein while in service in S.C.Railway had obtained a sum of Rs.25,000/- as loan towards House Building Advance (HBA) in the year 1975. According to the applicant the entire amount together with interest due towards said loan had been discharged by him. According to the applicant he is entitled for the return of Title Deeds that had been deposited with the Respondents at the time of obtaining the said loan. It is also his case that there is no justification on the part of Respondents to withhold Rs.3,183/-, which are the retiral benefits. So the present O.A. is filed for the relief as already indicated above.

3. Counter is filed by the Respondents opposing the O.A. In the counter of the Respondents it is maintained as the applicant had not discharged the entire loan taken by him, that the applicant is not entitled for return of Title Deeds until the said loan is fully discharged. It is also further maintained that until the applicant clears his loan together with interest the Administration cannot give clearance certificate and the amount that is withheld

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by the respondents may not be returned to the applicant.

4. We have heard in detail Shri Koka Satyanarayana, counsel for the applicant and Shri D.Gopal Rao, learned standing counsel for the Respondents. As there was dispute with regard to the ~~xx~~ payments made by the applicant in discharge of the said HBA Loan we thought it fit to peruse the entire records. The entire records are perused. It is not in dispute that the applicant had obtained Rs.25,000-00/- (Rupees twenty five thousand only) as loan towards House Building Advance from the respondents in the year 1975.

5. It is contended on behalf of the applicant that in the months of October, 1977 and November, 1977 a sum of Rs.234/- for each of the months is deducted from out of his salary towards the said loan and that the Respondents have not given credits to the said deductions. The ledger that is produced by the Respondents does not show that the said deductions have been made in the pay of the applicant for the months of October, 1977 and November, 1977. But the applicant had produced before us his pay bills for the months of October, 1977 and November, 1977. From the said pay bills produced before us it is quite evident that in the salary for the ^{each of} month of October, 1977 and November, 1977 a sum of Rs.234/- had been deducted towards the said HBA.

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The Respondents counsel fairly conceded in view of the pay slips that are produced, that the Respondents are liable to give credit to the said deductions made out of the salary of the applicant for the months of October, 1977 and November, 1977. Hence the Respondents are hereby directed to give credit to a sum of Rs.234/- for each of the months of October, 1977 and November, 1977 on the dates when the salary for those two months became payable.

6. It is not in dispute that from the month of December, 1977 upto August, 1979 that from the salary of the applicant a recovery at the rate of Rs.234/- p.m. had been made and adjusted towards the said loan.

7. According to the applicant from the month of September, 1979 up to the month of March, 1980 a sum of Rs.214/- p.m. had been recovered from out of the salary of the applicant and that the said recoveries had not been appropriated towards the loan due by the applicant to the Respondents. The Respondents deny recovery of the said payments from the salary of the applicant for months of September, 1979 to March, 1980. Respondents have produced copies of statement of salary sheets. The

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said statements of salary sheets produced before the Tribunal by the respondents do not show that any deductions had been made from out of the salary of the applicant towards the said loan for the said period namely for the months of September, 1979 to March, 1980. But it is the contention of the applicant that the said deductions by mistake might not have been shown in the said salary sheets. On the other hand the applicant produced before us a statement that has been furnished to the applicant by Sr. Divisional Personnel Officer of the SC Rlys, Sec'bad with regard to the deductions made from out of the salary of the applicant for the said HBA Loan. ~~From the said statement it is evident that~~ ~~for the months of September, 1979 up to~~ The authenticity of the said statement is not questioned by the respondents. From the said statement it is quite evident that ~~each~~ ~~for the months of September, 1979 up to March, 1980 a sum~~ ^A of Rs.214/- p.m. had been deducted from out of the salary of the applicant towards the said loan. The said deductions should have been adjusted towards the HBA Loan the applicant had taken and the same had not been done. In view of the statement furnished to the applicant by the ~~respondents showing that for the months of September, 1979~~ to March, 1980 that a sum of Rs.214/- had been deducted for each of months from out of the salary of the applicant towards the said loan and the said deductions have not

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been given credit, a direction is liable to be given to the respondents to give credit for the said payments as on the dates when the deductions were made. Hence the respondents are hereby directed to give credit of Rs.214/- p.m. for each of the months of September, 1979 to March, 1980 as on the dates when the said deductions were made from out of the salary of the applicant.

8. It is not in dispute that from April, 1980 upto the month of September, 1980, there had been recovery at the rate of Rs.234/- p.m. from out of the salary of the applicant and credit of the said payments had been given by the respondents.

9. It is not also in dispute from the month of October, 1980 the recovery from the salary of the applicant had been at the rate of Rs.214/- p.m. upto November, 1986 and that, credit had also been given to the said recoveries.

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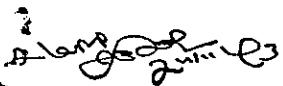
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To

1. The Secretary, Union of India, Min.of Rlys,
New Delhi.
2. The General Manager, S.C.Rlys, Railnilayam,
Secunderabad
3. The Sr. Divisional Personnel Officer(BG)
S.C.Rlys, Sanchalan Bhavan, Secunderabad.
4. One copy to Mr. Koka Satyanarayana, Advocate
3-6-498, Himayatnagar, Hyderabad.
5. One copy to Mr. B.Gopal Rao, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy

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10. Both sides admitted that from December, 1986 upto December, 1988, no deduction had been made out of the salary of the applicant towards the said HBA loan.

11. Both sides admit that from January, 1989 upto September, 1989, there had been deductions at the rate of Rs.373/- p.m. from out of the salary of the applicant and that credit had been given by the Respondents to the said deductions.

12. In the counter filed by the respondents it is pleaded that a sum of Rs.2,000/- had been withheld by the respondents from the settlement dues of the applicant for future commercial debits and another sum of Rs.1183/- payable to him towards PLB for the year 1989-90. The applicant has no objection to adjust the said amounts towards the HBA loan. Except the HBA loan, if the applicant is not due to the respondents any other amount, the respondents are hereby directed to adjust the said sum of Rs.2,000/- and Rs.1183/- respectively towards the said loan as on the date of the said amounts became payable to the applicant. After giving credit to the deductions as indicated earlier, and after adjusting the said sum of Rs.2000/- and 1183/- as mentioned above, if the applicant is still due to the respondents any amount towards the said HBA towards principal and interest, the applicant shall pay the same to the respondents. After the entire HBA loan due to the respondents both towards principal and interest is discharged by the applicant, the respondents shall return the Title deeds of the applicant that are with them. We make it clear that the applicant will be liable to pay interest in accordance with rules and regulations and as per the terms and conditions when the said loan was obtained by the applicant. OA is disposed of accordingly. Parties shall bear their own costs.

S24/1183
Dtd:11th Nov., 1993

avl/mvl 1183

(T.CHANDRASEKHARA REDDY
Member (J)