

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 23.3.2001

OA No.107/1997

Kanhaiya Singh, Mech. Engineer (Sr.) Engg. and Transport Dn.,  
Geological Survey of India, A-27, Kanti Chand Road, Bani Park,  
Jaipur

.. Applicant

Versus

1. Union of India through Secretary, Department of Mines,  
Shastri Bhawan, New Delhi
2. The Director General, Geological Survey of India, 27,  
J.L.Nehru Road, Calcutta
3. Deputy Director General, Geological Survey of India (WR), 15-  
16, Jhalana Dungari, Jaipur
4. Chief General Manager, Maha Nagar Telephone Nigam Ltd.,  
Khursid Lal Bhawan, New Delhi.

.. Respondents

Applicant present in person

Mr. V.S.Gurjar, counsel for the respondents

CORAM:

Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

Hon'ble Mr. N.P.Nawani, Administrative Member

Order

Per Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

The short grievance of the applicant in this case is that he has taken certain loan from the Department and the Department has already recovered the loan from the salary of the applicant in instalments, therefore, nothing remains to be recovered from the applicant, but the Department is withholding his documents. Therefore, there should be directions to the Department to return the documents pertaining to the loan amount. The applicant arguing his case himself, further contended that he has executed mortgage

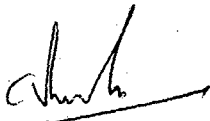
deed in favour of the Department and the Department may be directed to re-convey the same to him.

2. By filing a counter the respondents have denied the case of the applicant. They have stated in the counter that an amount of Rs. 2562/- is still due against the applicant and the documents are withheld only because the applicant has not paid the said amount. But according to the applicant, statement of the Department shows that he has overpaid the amount more than what is required to be paid by him. In our opinion, this kind of controversy cannot be settled by us. It is a matter of accounts, as to what was the loan the applicant has taken and what was the rate of interest and how the amount was required to be recovered by the Department etc, it is for the department to decide. It is also brought to our notice that vide Ann.A4 the applicant has made a representation dated 13.2.96/14.2.96 and the Department has not considered the same. If the Department had considered his representation, perhaps the quantum of liability, if any, on the part of the applicant would have fixed by this time. From the counter filed in the case, it is not possible to find out what exactly was the amount due to be paid by the applicant. As stated by the applicant, nothing remains to be paid and he has overpaid the the loan amount. In the circumstances, we think it appropriate to direct the applicant to make a fresh representation within a specified period with a further direction to the respondents to consider the same. Accordingly, we pass the order as under:-

The OA is disposed of with a direction to the applicant to make a fresh representation within three weeks to respondent No.3 stating his case and respondent No.3 shall consider the same within a period of three weeks thereafter and submit his report to respondent No.4 in whose custody, it is stated, the

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documents are kept, and after receipt of such report respondent No.4 shall consider the same within a period of three weeks thereafter. The applicant undertakes to pay the amount, found due against him and if he pays, the property may be reconveyed to him in the manner prescribed, or in case the applicant is aggrieved by the order passed, he can prefer a separate CA. No order as to costs.



(N.P.NAWANI)

Adm. Member



(B.S.RAIKOTE)

Vice Chairman