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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

29.03.2012

OA No.392/2010

Mr. Amit Mathur, counsel for the applicant
Mr. B.K.Pareek, proxy counsel for
Mr. T.P.Sharma, counsel for respondents

The learned proxy counsel appearing for the respondent
prays for adjournment. Prayer granted.

Put up on 26.4.2012, till then the interim direction to continue.

K. S. Rathore
(JUSTICE K.S.Rathore)
Judl. Member

R/

26/04/2012

OA 392/2010

Mr. Amit Mathur, Counsel for applicant
Mr. T. P. Sharma, Counsel for respondents.

Heard.

O.A. is disposed of by a separate
order on the separate sheets for
the reasons recorded therein.

K. S. Rathore
[Justice K.S.Rathore]
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 26th day of April, 2012

ORIGINAL APPLICATION No. 392/2010

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Suraj Mal Singh
s/o Shri Mohinder Singh
r/o Malkheda, Agra (UP)
presently working as
P.A. to Dy. General Manager,
BSNL, Bharatpur.

... Applicant

(By Advocate: Shri Amit Mathur)

Versus

1. Managing Director,
BSNL,
New Delhi.
2. Chief General Manager,
BSNL, Ashok Marg,
C-Scheme, Jaipur
3. General Manager,
BSNL, Krishna Nagar,
Bharatpur.

... Respondents

(By Advocate : Shri Tej Prakash Sharma)

ORDER (ORAL)

The short controversy involved in this case is that the applicant borrowed personal loan from the State Bank of Patiala and on default in making payment of installments, the Bank of Patiala vide its letter dated 22.7.2010 requested the BSNL authorities to recover the amount of the outstanding personal loan from the salary of the applicant. Pursuant to the request made by the Bank of Patiala vide its letter dated 22.7.2010, the respondent BSNL ordered to recover the outstanding personal loan amount from the salary of the applicant vide letter dated 4.8.2010.

2. The applicant preferred the present OA against the order dated 4.8.2010, on the ground that the dispute regarding non-payment of installments of the loan is between the applicant and the State Bank of Patiala, and the respondent employer has nothing to do with this recovery as no decree, whatsoever, has been obtained by the Bank. The Bank only wrote a letter mentioning Rs. 103054/- outstanding on the part of the applicant, but the respondents are proposing recovery from the salary of the applicant vide order dated 4.8.2010 (Ann.A/1). It is also stated at Bar by the learned counsel appearing for the applicant that the loan amount has been re-paid by the applicant.



2. The learned counsel appearing for the respondents has contended that the loan facility was provided to the applicant by the State Bank of Patiala on the condition that BSNL shall submit undertaking to the effect that in case of default in payment of loan then the department will be free to recover the balance loan amount and in view of this undertaking the respondents are bound to recover the outstanding loan which has not been paid by the applicant since he has not submitted 'No Dues Certificate' from the Bank of Patiala. The Bank has informed vide letter dated 22.7.2010 towards the outstanding loan amount of Rs. 103054 + interest, therefore, recovery order has been rightly passed by the respondents. The respondents have also placed a copy of the undertaking given by the employer BSNL.

3. During the course of arguments, upon asking, if the applicant has paid the entire amount of the loan why he is not able to obtain 'No Dues Certificate' from the bank concerned and when the respondents also undertake that if the applicant submits 'No Dues Certificate' from the Bank, then they will stop recovering the amount from the salary of the applicant. The applicant undertakes to represent before the bank authorities regarding full and final payment of the loan amount, as the applicant stated that he has paid the entire amount, and it is for the Bank to verify the same and give 'No Dues Certificate' and if 'No Dues Certificate' is



submitted by the applicant, the respondents shall not recover the amount from the salary of the applicant.

4. Accordingly, the applicant is given two months' time to represent before the Bank concerned and after obtaining 'No Dues Certificate' from the Bank submit the same to the respondents. Till then, the Interim relief granted on 20.8.2010 shall remain in force.

5. With these observations, the OA stands disposed of with no order as to costs.


(JUSTICE K.S.RATHORE)
Judl. Member

R/