

Central Administrative Tribunal
Principal Bench

OA No.3038/2003

New Delhi this the 20th day of May, 2004

Hon'ble Shri Shanker Raju, Member (J)

Krishan Singh Balyan
S/o Shri Harbans Lal
Resident of R-6/94, Raj Nagar,
Ghaziabad.

-Applicant

(Applicant present in person)

Versus

1. Dy. C.D.A. (R&D) Metacalfe House,
Delhi.
2. C.D.A. (R&D) L-Block,
New Delhi.

-Respondents

(By Advocate: Shri K.C.D. Gangwani)

ORDER (Oral)

Applicant impugns action of the respondents imposing penalty on him for non-fulfilling the condition on submission of insurance policy as per GSR pertaining to HBA. Applicant in person contends that being a graduate from village as the mortgage deed did not contain any penal clause, he has not kept with him the receipts/proof of the insurance. It is also contended that GSR makes it obligatory upon the respondents to issue warnings and show cause notice in case, non-submission of proof of insurance, is deliberate on part of the applicant. It is further stated that the Dy. CDA has given no objection and further a letter of the respondents dated 13.12.2000, clearly shows that the applicant has submitted the proof of insurance but it has been misplaced in the office concerned. Applicant in person contends that though he has applied orally for the proof of duplicate copy of the insurance policy, they have

refused to give the duplicate copy..

2. On the other hand, learned counsel for respondents contends that the documents annexed with the rejoinder is procured by the applicant as the same is in contradiction with the order passed by them on 13.12.2000. In this conspectus, it is stated that in the event the applicant gives full particulars to the insurance policy of duplicate copy, where it is alleged to have not even submitted to the respondents, respondents shall take further action for not charging the penal interest from applicant.

3. In my considered view, once the HBA is taken the agreement so entered makes its incumbent upon the applicant to complete the formalities and discharge his obligation. Inter alia, one of it is submission of policy insurance year wise though the applicant has taken stand he has already submitted the insurance policy which has been misplaced yet letter dated 13.12.2000 issued by Sr. AAO does not inspire confidence. This action is contrary to their own letter dated 13.12.2000. In this view of the matter keeping in view the fact that the applicant has superannuated, in the event the applicant gives particulars to the concerned insurance company about the insurance of house yearwise and some acknowledgement is received respondents shall take that into consideration and take further decision towards penal interest levied upon the applicant.

4. OA stands disposed of.. No costs.

S. Raju
(Shanker Raju)
Member (J)

cc.