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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
NEW DELHI.

O.A.No.1068/94

New Delhi : November 25<sup>th</sup>, 1994.

HON'BLE MR.S.R.ADIGE, MEMBER (A)

Shri R.S.Verma,  
s/o Late Shiv Sahai Singh,  
r/o C-26, CRRI Staff Quarters,  
Maharani Bagh,  
New Delhi -110 065.

and working as Technical Officer 'B' in the  
Central Road Research Institute,  
P.O.CRRI, New Delhi -110 020 .....Applicant.

By Advocate Shri K.N.Bhuguna..

VERSUS

1.Council of Scientific &  
Industrial Research,

'ANUSANDHAN BHAVAN'

Rafi Marg, New Delhi-110 001  
through its Joint Secretary (Admn.)

2. Director,  
Central Road Research Institute,  
P.O. CRRI, New Delhi -110 0 20.

3. Shri T.S.Reddy,  
Scientist E-II and C.S.(Traffic),  
Central Road Research Institute and  
r/o Flat No.V-/3 CRR Staff Quarters,  
Maharani Bagh, New Delhi -110 65.

4. Shri P.V.Kulkarni,  
Scientist, Central Road Research Institute,  
P.O. CRRI, New Delhi and r/o  
Flat No.IV./16 CRRI Staff Quarters,  
Maharani Bagh, New Delhi -110 065.

.....Respondents.

By Advocate Shri V.K.Rao.

JUDGMENT

In this application, Shri R.S.Verma,  
Technical Officer 'B', Central Road Research  
Institute (CRRI), New Delhi has impugned the  
action of the respondents in seeking to levy compound

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interest of 16% p.a. on the House Building Advance (HBA) granted to him and has prayed for allotment of a Type 'D' quarter to him as has allegedly been done in respect of respondents No.3 and 4 who are said to be similarly situated.

2. The applicant joined service in the CRRI as a Senior Laboratory Assistant on 23.11.64 and was allotted CRRI Staff Quarter No.C-26, Maharani Bagh, in his turn in June, 1980. He was sanctioned HBA of Rs. 60,000/- for purchase of a DDA flat. This amount was to be recovered in 79 equal monthly instalments of Rs.546/- each and the balance of advance plus interest thereon from DCRG vide O.A. dated 26.6.89 (Annexure-A2). The applicant alleges that while respondents No.3 and 4, like himself, were also in occupation of the CRRI quarters and were also sanctioned HBA, they were allotted higher type of accommodation even after drawal of the HBA and taking possession of the flats/houses from the HBA while the applicant was discriminated against and was not only debarred from allotment of higher type of accommodation, but they were seeking to levy compound interest @ 16% p.a. on the amount of HBA sanctioned to him for non-vacation of the CRRI Staff Quarter inspite of having taken possession of DDA flat on the basis of HBA granted by the respondents to him. The applicant states that he represented against the impugned action but of no avail, compelling him to file this O.A.

3. The respondents have contested the O.A.

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and in their reply state that in the application form for HBA, signed by the applicant, he had given a declaration that he would abide by the terms and conditions of the HBA. Amongst these terms and conditions was condition No. v where he agreed to forgo the right of allotment of Council/Govt. accommodation on getting possession of the house for which HBA was sought and Condition (vii) was that in the event of any default, he undertook to pay the general rate of interest as prescribed in CSIR HBA Rules. According to the respondents, as per CSIR HBA Rules, 1985, Rule 6(b) lays down that an employee availing of HBA facility will not be eligible for Council/Govt. accommodation. In case he is already in occupation of the same, he shall be required to vacate the same on purchase of a house under the Scheme, and an undertaking to this effect will have to be given by the applicant along with his application form for grant of HBA. Rule 11 prescribes a general rate of interest 16% p.a. compounded annually, while the concessional rate of 7% and 8% simple interest is applicable to the employees not in occupation of Council/Govt. accommodation and who forgo their right of allotment of such accommodation at a place where they require house with HBA. The respondents further allege that as per the HBA Rules, the applicant was to mortgage the house against HBA granted to him but despite the undertaking given by him to do so, he is avoiding the mortgaging the house, although he has taken possession of the house as far back in November, 1989. They state that the

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applicant has neither mortgaged the flat to respondent No.1, nor has he vacated the house which was allotted to him before the grant of HBA and in view of this, the rules as applicable will take their own course which include the levy of compound interest annually at the rate of 16% p.a. As regards the respondent No.3, they state that he was sanctioned HBA before coming into force the CSIR HBA Rules, and hence those rules cannot be invoked against him and he will be governed by the rules that were prevalent prior to 1985. As regards the respondent No.4, they state that he had been sanctioned HBA under the CSIR HBA Rules, 1985 but has not yet got the possession from the authorities from whom he was buying the quarter and hence he has not violated any provision of the rules.

4. I have considered this matter carefully. The applicant has not denied that he has taken possession of the flat for which he sought HBA in November, 1989. While applying for the HBA, he signed the application <sup>for</sup> ~~for~~ (photocopy on record) binding himself to the terms and conditions contained therein. It is not his case that he signed the same under coercion or duress. Condition (v) is that he would forgo the right for allotment of Council/Govt. accommodation on acquiring / owning a house by him and getting its possession while Condition (vii) is that he would abide by all the conditions prescribed for allowing concessional rate of interest and in the event of default, he would undertake to pay the general rate of interest as prescribed under CSIR HBA Rules. In

view of this categorical undertaking given by the applicant, he cannot plead lack of knowledge of the CSIR HBA Rules.

5. Regarding the plea of the applicant that he is being subject to hostile discrimination vis-a-vis respondents No.3 and 4 in as much as the rules are not being enforced against them, but only against him, the respondents have denied the same. In any case, even if for arguments' sake, we assume that the rules are not being enforced in respect of respondents No. 3 and 4, the applicant cannot make it a ground to plead that the rules should similarly not be enforced in respect of him, because the plea of discrimination cannot be taken to encourage non-enforcement of rules.

6. In the result, no good grounds have been made out to warrant any interference in this matter. The application fails and is dismissed. The stay orders passed earlier are vacated. No costs.

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER (A)

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