

6

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH NEW DELHI

Original Application No. 1434 of 1987

Gopal Das Applicant

Versus

The Post Master General Delhi Circle,
Mohan Singh place, New Delhi and others. . . . Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. S.R. Adige, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

The applicant applied for sanction of house building advance to the extent of Rs. one lakhs for purchasing a house, in accordance with the house building advance Rules. He proposed to repay the advance in 250 instalments of Rs. 400/- each. The amount of Rs. 29750/- was advanced to the applicant in accordance with the rules notwithstanding his demand for Rs. one lakhs. This advance was to be disbursed to the applicant in instalments and at the initial stage only 30% of the amount approved for sanction was admissible in view of the instructions of Ministry of works & Housing dated 5.3.1983. Reference to the order dated 30.3.1987 was made and it was mentioned that this amount was to be disbursed after execution of agreement in Form No. 5 and 6 in personal bond by the applicant.

2. According to the respondents, the disbursing authority did not go properly through the instructions contained in the letter of approval dated 30.3.87 and disbursed the amount to the applicant in full on 31.3.87, although the applicant has not executed the bonds and agreement form, although, it was incumbent on him.


Under the Rule-8, the maximum number of instalments in which the advance can be repaid by the individual ^{is prescribed} But there is no specific provisions regarding the minimum

(10)

:: 2 ::

number of instalments. In view of the form of agreement the respondents decided that the applicant shall be paid the loan in 85 instalments of Rs. 350/- (which includes interest).

3. The applicant's grievance is that as the matter of fact, in view of the amount so advanced and in view of the rule, either minimum of 180 instalments and maximum instalment of 240 should have been fixed and fixing of 85 instalments is wrong and illegal. The applicant made representation against the same. According to the respondents, no such representation was ever received. Under the interim order passed this tribunal, the applicant is required to pay a sum of Rs. 350/- instalments which includes the interest part also. The dispute is only regarding the number of instalments. In view of the amount advances and the rule referred to above the fixing of 85 instalment for payment was excessive and not in conformity with the principle of justice with a view towards rule and its purposes. We do not find that this amount of Rs. 350/- referred to the interim order is either excessive or too low. Accordingly, this application is disposed of with a direction that the respondents shall realise the entire amount from the applicant in the monthly instalments of Rs. 350/- in all inclusive of interest. This may result in clearing of the amount in more than 85 instalments. No order as to the costs.


Member (A)


Vice-Chairman

Dated: 16.3.1993.

(RKA)