

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.500 of 1989.

Date of decision : August 9, 1990.

Narendranath Mohanty ... Applicant.

Versus

Union of India and others .. Respondents.

For the applicant ... M/s.J.Das,
B.S.Tripathy,
B.K.Sahoo,
S.Mallik,
K.P.Misra, Advocates.

For the respondents ... Mr. Aswini Kumar Misra,
Sr. Standing Counsel (CAT)

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C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

B.R.PATEL, VICE-CHAIRMAN, The grievance of the applicant is two fold,
(i) to allow him to start repayment of the House Building Advance sanctioned in his favour by the competent authority after lapse of 18 months as is the Rule and (ii) to raise the sanctioned House Building Advance from Rs.71,400/- to Rs.80,000/- as per his entitlement.

2. The applicant is a Storing Assistant at Railway Mail Service under the administrative control of the Senior Superintendent of Post Offices, Railway Mail service, Cuttack, drawing an amount of Rs.1600/- per month. He applied for grant of House Building Advance on 10.12.1986 and he was sanctioned an advance of Rs.71,400/- vide orders at Annexures 1 and 2 to the application. The advance was to be recovered at the rate of Rs.640/- per month commencing from the month of September, 1989 or from the month following the completion of the building whichever is earlier.

3. The respondents in their counter have maintained that the mode and terms of recovery of the House Building Advance stipulated in the order at Annexure-2 are required to be followed by both the parties and any deviation from these terms would be considered as breach of contract. Moreover, the applicant did not raise any objection to the terms of recovery before ~~however reported~~. They have further averred that the total amount of advance sanctioned is linked ^{up} with the paying capacity of the applicant and it is upto the competent authority to decide how much advance should be sanctioned which the lonee employee can conveniently repay.

4. We have heard Mr. Sidheswar Mallick, learned counsel for the applicant and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents. Mr. Mallick submits that he no longer presses for the relief No.1 as in the meantime 18 months have elapsed and repayment has been stayed by the orders of this

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Tribunal. We also feel that nothing more could be granted in regard to this relief.

5. As regards the raising the amount of advance to Rs.80,000/- we hold that it is a matter for the Department to consider keeping in view the paying capacity and other factors like availability of funds, priority claims of other incumbents etc. We would therefore direct that the applicant should approach the Department again if he needs the amount to be raised to Rs.80,000/-. The Department will take a decision on the representation, if any made, within two months from the date of such representation.

6. This application is accordingly disposed of leaving the parties to bear their own costs. *Stay order passed on 22.12.89 stands vacated.*

.....Seal 9.8.90
Member (Judicial)

.....9.8.90
Vice-Chairman

Central Administrative Tribunal
Cuttack Bench, Cuttack.
August 9, 1990/Sarangi.

