

Order dated 12.5.2004

Copies of
order dt. 12.5.04
prepared for
Counsel for
both sides

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Jh
se (H)

The applicant, at present working at Keenjharagarh Head Post Office is aggrieved by non-sanction of entitled quantum of House Building Advance (in short HBA) by the Respondents and is seeking a review of the case by the Respondents under the rules in force. The applicant contends that because of paucity of funds, he cannot complete the construction of the house and he also very emphatically averred that money that was obtained from the Government by way of HBA has been fully spent for the construction of the house. He produced photographic evidence to show the stage at which now the construction of the house stands. ~~completed~~. The Respondents have not contested the fact that the house was not constructed upto plinth level. Their only contention is that the construction of the house beyond the plinth level was not reported by the applicant and therefore, they have inferred that perhaps no ~~progress~~ ^{was achieved} construction beyond plinth level ~~was taken place~~ and therefore, penal recovery of the entire HBA is ~~liable~~ ^{arranted} ~~to be recovered~~. The learned counsel for the applicant submitted that he would be satisfied if he is allowed to make a fresh representation addressed to the Respondents pointing out the rules under which he would be entitled to receive the higher amount than what he has received towards HBA. He is also prepared to produce any evidence of the house as required to show that the construction ~~has reached~~ gone beyond the plinth level and in this respect, if the house site is inspected by the appropriate authorities in the

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Department, the counsel for the applicant submitted, it would add to his case. The learned counsel for the Respondents has no objection to this the adoption of such a course. Therefore, in the interest of justice, I direct that the applicant should make a fresh representation citing the rules under which he is entitled higher HBA than what he has already received and offering inspection of the house site by the authorities and on receipt of such a representation, the authorities competent should dispose of the same within a period of six weeks from the date of receipt of representation.

With this observation and direction, the case is closed.

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MEMBER (ADMINISTRATIVE)