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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO. 313/2010

DATE OF ORDER: 03.08.2011

CORAM:

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Kamal Prakash S/o Shri Bhaga Ram Ji, by caste Meghwal, aged 60 years, R/o 607, Kamla Nehru Nagar, III-Extension, Jodhpur (Retired Divisional Engineer, BSNL, Jodhpur).

...Applicant.

Smt. Shushma Dara, proxy counsel for
Mr. Mahesh Bora, counsel for applicant.

VERSUS

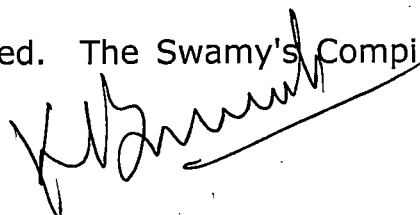
1. Bharat Sanchar Nigam Limited, through Chief Managing Director, Bharat Sanchar Nigam Limited, Bharat Sanchar Bhawan, 4th Floor, Janpath, New Delhi.
2. Chief General Manager, Bharat Sanchar Nigam Limited, Sardar Patel Marg, Jaipur.
3. General Manager, Telecom District, Bharat Sanchar Nigam Limited, Subhash Nagar, Jodhpur.
4. Accounts Officer (Cash), Office of the General Manager Telecom District, Subhash Nagar, Jodhpur.

... Respondents.

Mr. S.K. Mathur, counsel for respondents.

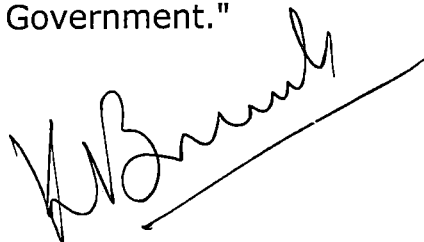
ORDER
(Per Dr. K.B. Suresh, Judicial Member)

We have heard both the learned counsels for the parties and perused the records. It would appear that the applicant had not taken out insurance as provided in the House Building Advance Rules, as also mentioned in the sanction letter Annexure A/2, which stipulates that according to the Rules, the house has to be insured. The Swamy's Compilation of **House**



Building Advance Rules, the Rule 7, sub-clause (b) states as follows:

"(b). Immediately on completion or purchase of the house, as the case may be, the Government servant concerned shall insure the house, at his own cost, with the Life Insurance Corporation of India for a sum not less than the amount of the advance and shall keep it so insured against damage by fire, flood and lightning, till the advance together with interest, is fully repaid to Government and deposit the policy with Government. The premia must be paid regularly and the premium receipts produced for inspection by the appropriate authority (viz., Head of Office or Department concerned). In the event of failure on the part of the Government servant to effect insurance against fire, flood and lightning, it shall be lawful, but not obligatory, for the Government to insure the said house, at the cost of the Government servant concerned and add the amount of the premium to the outstanding amount of the advance and the Government servant shall be liable to pay interest thereon, as if the amount of the premium had been advanced to him as part of the aforesaid advance at the prevailing rate of interest, till the amount is repaid to the Government. The Head of the Department/Accounts Officer will obtain from the Government servant drawing the advance, a letter (as prescribed in Form No. 8) to the Insurer with whom the house is insured, to notify to the latter the fact that Government is interested in the insurance policy secured. The Head of the Department/Accounts Officer will himself forward the letter to the Insurer and obtain his acknowledgement. In the case of insurances effected on an annual basis, this process should be repeated every year until the advance has been fully repaid to Government."

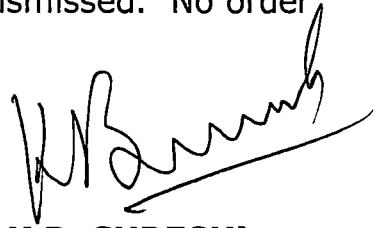


Dr. I/II

Therefore, it is the duty of the applicant to insure the house, but it seems that the applicant had not done so, and the penalty was made against the applicant. Vide ground 'D' of the O.A., the applicant says that it is upto the Government to condone the lapse, which he wants. If he has sufficient reason to do so, which apparently is not highlighted here, we allow the applicant to file a representation for condonation, which the authority shall consider within two months next, but the Original Application does not carry any merit, and, as such, it is dismissed. No order as to costs.



(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER



(DR. K.B. SURESH)
JUDICIAL MEMBER

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