

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 173/90
~~XXXX~~No.

188

DATE OF DECISION 30.7.90

T.K.G Nambiar Applicant (s)

M/s. K.L.Narasimhan & Advocate for the Applicant (s)
Shaji P.Chaly

Versus

Union of India rep. by Secy Respondent (s)
Deptt. of Space and others

NN Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P Mukerji, Vice-Chairman

&
The Hon'ble Mr. N.Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. To be circulated to all Benches of the Tribunal? *no*

JUDGEMENT

HON'BLE SHRI N.DHARMADAN, JUDICIAL MEMBER

In this application filed under Section 19 of the Administrative Tribunals Act the grievance of the applicant is that he has not been granted house building loan considering his application submitted in 1975.

2. The applicant submitted his application through proper channel on 14.7.75 pursuant to the circular No.VSSC/Estt/01-39/75 dated 20.5.1975 inviting application from employees who have put in three years of service in VSSC as on 31.3.75. He received the Annexure -II communication stating that Ministry of Works & Housing has returned his application since the budgetary allocation for the year 1975-76 had been exhausted. Later since he did not get any further information from the respondents he was forced to approach the authorities and request them that he is entitled to the loan especially when his colleagues who had

submitted applications were all granted the loan. He has also submitted reminder. ^{after 4} Then he was informed by Annexure-IV dated 27.11.79 that the request of the applicant for loan cannot be reconsidered. Then he approached this Tribunal challenging Annexure-IV and seeking for a declaration that he is entitled to priority on the basis of his earlier application.

3. The application was opposed by the respondents by filing a detailed counter affidavit. The learned Senior Central Govt. Standing Counsel also submitted supplementing the statements in the reply affidavit, that the applicant had collected back the application submitted in 1975 as evident from Annexure R.10 dated 30.11.79 produced along with the counter affidavit. Subsequently the applicant submitted two applications dated 12.12.88 and 13.11.89, one for loan for the purchase of property and another for a loan for the construction of building. When these applications were processed the applicant approached this Tribunal with the prayer that he is entitled to sanction of the house building loan taking into consideration his application originally submitted by him in 1975. This cannot be granted because the property in respect of which the loan was sought had been sold by him and his request for housing loan can be considered with reference to the subsequent application.

4. When the matter came up on 31.5.90 after hearing the matter for some time we wanted to see the relevant files dealing with the applicant's applications submitted in the year 1975 and the subsequent years. Accordingly today the learned Central Govt. Standing Counsel produced the files and submitted that the application originally submitted in 1975 was in respect of plot in Survey No.

.3.


3013 in Kawadiar Village at Trivandrum. The municipal sanction for the building submitted by the applicant in respect of that plot was valid only for one year and thereafter the applicant did not submit any application for renewing the licence for construction. No records are produced before us by the applicant to show that the applicant was seriously pursuing his earlier application for getting the loan. On the other hand the records produced by the respondents disclose that the applicant sold the said property in 1989. He also submitted fresh applications for ^{a loan for} ~~of~~ ^{the} ~~property~~ for construction of house and housing loan for constructing house in a different property other than the one mentioned in the original application. This indicates that the applicant does not want to stick on to his request and get the loan on the basis of his earlier application filed in 1975. The applicant's argument that he is entitled to priority on the basis of his earlier application over others fails and his case cannot be accepted.

5. The learned Central Govt. Standing Counsel very fairly submitted before us that even though the applicant has submitted his application on 12.12.88 for a loan to purchase property, the respondents are prepared to consider his claim of priority for giving house building loan with reference ^{to} ~~this~~ application. He was already assigned Serial No.2398 among the applicants for such loans and since cases upto 2128 has been cleared by granting loans the applicant could be considered and the loan sanctioned, approximately within a period of one year viz. the current financial year itself.

6. In this view of the matter, it is not necessary for us to go into other contentions raised in this application and we leave them open; but we dispose of the

.4.

application with the direction to the respondents that they may consider and grant house building loan to the applicant in accordance with his turn ^{if his is authentic signature} as indicated above so as to enable him to use the same for the construction of the house as mentioned by him in his applications. The application is disposed of on the above lines. There will be no order as to costs.


(N. DHARMADAN) 30.7.90
JUDICIAL MEMBER

30.7.90


(S.P. MUKERJI) 30.7.90
VICE CHAIRMAN