

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. 8/2008

This, the 8th day of August, 2008

Hon'ble Dr. A. K. Mishra, Member (Administrative)

Anand Prakash, aged about 52 years, son of Sri Krishna Technician Grade II, National Botanical Research Institute (N.B.R.I.), Lucknow.

Applicant.

By Advocate Sri S.L. Verma.

Versus

1. Council of Scientific & Industrial Research, Rafi Marg, New Delhi, through its Director.
2. Director, National Botanical Research Institute (N.B.R.I) Lucknow.
3. Section Officer, National Botanical Research Institute (N.B.R.I) Lucknow.

Respondents.

By Advocate Sri Pankaj Awasthi for Sri A. K. Chaturvedi.

Order (Oral)

By Hon'ble Dr. A. K. Mishra, Member (A)

The counsel for the applicant files no objection statement from the previous counsel Sri R.K. Verma. No objection certificate is taken on record.

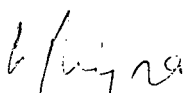
2. Heard the learned counsel for both the parties.

3. The applicant applied for House Building Advance. The 50% of sanctioned amount of the HBA amounting to Rs. 83750/- was released in his favour. Because of family problems, he could not utilize the entire amount and as such he was not eligible for the release of the balance amount of 50%. The present recovery, according to him, is very large and with other recoveries from his salary, there is hardly any balance amount left for him to maintain his family.

4. After discussions, the learned counsel for the respondents agreed that the recovery may be fixed at the level of Rs. 1800/- per month. This should be, inclusive of interest payable. At present, the applicant is receiving a monthly salary of Rs. 11385/-. The learned counsel for the applicant submits that there is a mandatory provision in Volume V of Financial Hand Book that, at one time, recovery from pay cannot be made more than 1/3rd i.e. 33% of the total salary amount.



5. The learned counsel for the applicant agreed to this proposition that recovery may be made @ Rs. 1800/- per month from his salary. Accordingly, we direct the respondents to fix the recovery at this agreed level. The appeal is accordingly disposed of and the stay order issued earlier is vacated. No costs.


(Dr. A.K. Mishra)
Member (J)

v.

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