

(P)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO: 30/90

199

T.A. NO: ----

DATE OF DECISION 6-2-1992

Rabha Chandu Dhamale

Petitioner

Mr.C.B.Kale

Advocate for the Petitioners

Versus

Chief Postmaster General and two others
Respondent

Mr.P.M.Pradhan

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman

The Hon'ble Mr. M.Y.Priolkar, Member(A)

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. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

MD


(M.Y.PRIOLKAR)

mbm*

(B)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.30/90

Rabha Chandu Dhamale,
1/82, Punawala Building,
G.K.Marg, Lower Parel,
Bombay - 400 013.

.. Applicant

vs.

1. The Chief Post Master General,
Maharashtra Circle,
Bombay - 400 001.

2. The Director General,
Department of Posts,
New Delhi - 110 001.

3. Shri Balkrishna Bapurao Kulkarni,
Supervisor,
A.P.Sorting Office,
Vile Parle,
Bombay - 400 079.

.. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice-Chairman

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.C.B.Kale
Advocate for the
Applicant.

2. Mr.P.M.Pradhan
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 6-2-1992
(Per M.Y.Priolkar, Member(A))

The grievance of the applicant who is an employee of the Department of Posts is that his application for House Building Advance has not been sanctioned on the ground that the land on which the building is to be constructed and in which a flat is to be allotted to the applicant has been mortgaged to Maharashtra Cooperative Housing Finance Corporation Ltd. and therefore the land not being free from encumbrance, the applicant is not entitled to any House Building Advance. The applicant wanted this advance for

repayment of the loan already taken from this Corporation as well as for future expenses.

2. In an earlier application(O.A.43/86) decided by the New Bombay Bench of this Tribunal on 27-6-1986 in the case of B.B.Kulkarni v. A.K.Joshi and others(un reported) this very issue had come up for consideration of the Tribunal and it was held that the rejection of HBA in such case was not legal and proper. The Bench has observed in the judgment that the applicant in that case is entitled to HBA for the purpose of repaying loans that have been taken by him, the only restrictive clause being that the building should not have been completed at the time when he had asked for the house building advance.

3. We are in respectful agreement with this judgment dtd. 27-6-1986 in O.A. 43/86. Learned counsel for the respondents also could not give any reasons why this earlier judgment of the Tribunal will not apply to the facts of the present case.

4. Accordingly, the applicant deserves to succeed and we direct the respondents to sanction the HBA applied for by the applicant for repayment of the loan already taken from the Maharashtra Co-operative Housing Finance Corporation Ltd. in accordance with the rules on the subject within one month from the date of receipt of a copy of this order. There is no order as to costs.


(M.Y.PRIOLKAR)
Member(A)


(U.C.SRIVASTAVA)
Vice-Chairman