

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 038.

Dated: **22 JUN 1995**

APPLICATION NO. 2057 of 1994.

APPLICANTS: Sri. Antony Paul Koola,
V/S.

RESPONDENTS: The Director, Liquid Propulsion Systems,
ISRO, Tribandrum, and another.

To

1. Sri. Adminath Narde, Advocate,
No. 307, Kurubara Sangha Bldg,
Third Floor, First Main Road,
Second Cross, Gandinagar,
Bangalore-560 009.
2. Sri. M. S. Padmarajaiah, Senior
Central Govt. Standing Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on Twelfth June, 1995.

Issued on
22/06/95

[Signature]

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

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CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH, BANGALORE.

ORIGINAL APPLICATION NO. 2057/ 1994

MONDAY, THIS THE TWELFTH DAY OF JUNE, 1995.

SHRI V. RAMAKRISHNAN

...

MEMBER (A)

Shri Antony Paul Koola,
aged about 50 years,
S/o Late Shri C.D. Paul,
Working as Senior Technician-A,
Government of India, Dept. of Space,
Liquid Propulsion Systems Centre,
Bangalore - 560 008.

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Applicant

(By Advocate Shri Adinath Narde)

Vs.

1. The Director,
Liquid Propulsion Systems
Centre, Valiamala,
Trivandrum, Kerala.
2. The Administrative Officer-II,
Liquid Propulsion Systems Centre,
ISRO, 80' Road,
Bangalore - 560 008.

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Respondents

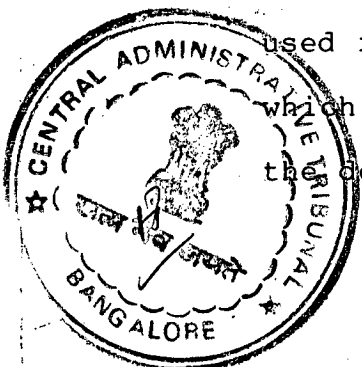
(By Senior Standing Counsel for Central Govt.,
Shri M.S. Padmarajaiah)

O R D E R

Shri V. Ramakrishnan, Member (A):

Heard Shri Adinath Narde for the applicant and Shri M.S. Padmarajaiah for the respondents. Shri Narde now informs that acquisition proceedings have been started in Kerala in respect of ancestral property where the applicant's wife has also got a share. He further submits that some money would be available to his wife out of the acquisition proceedings and the same will be used for completing the construction of the house in Bangalore and which will supplement the house building advance he has taken from the department. The learned counsel makes available a copy of the

... 2/-



notice issued by the Special Tahsildar (LA), Kozhikode dated 7.1.95 and says that the applicant came to know about it only recently. In the light of the new development referred to above, the applicant is proposing to file a detailed representation to the department bringing out the fact that the construction of the house in Bangalore will be completed without any further delay and seeking to reconsider the order dated 5th December, 1994 as at Annexure-G.

2. In the light of the circumstances stated above, the applicant may file a detailed representation within two weeks from today and the competent authority will dispose of the same within one month thereafter. If the applicant files such a representation within two weeks from today, the order dated 5.12.94 as at Annexure-G will not be operated pending disposal of the representation of the applicant, but the department can continue to effect the monthly recovery as is being done now.

3. With the above observations, the case is finally disposed of. No costs.



TRUE COPY

[Signature]
22/6/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

Sd/-
(V. RAMAKRISHNAN)
MEMBER (A)

द्रव नोदन प्रणाली केन्द्र

80 फीट रोड, एच.ए.एल. 3 स्टेज

बैंगलोर-560038



दूरभाष तार फेक्स
प्रोपलशन 812-582085
टेलिक्स
0845-2469 APS IN

LIQUID PROPULSION SYSTEMS CENTRE

80 FT. ROAD, HAL 3rd STAGE

BANGALORE-560038 INDIA

TELEPHONE
573221-3225
578846-8847

CABLE FAX
PROPULSION 812-582085
TELEX
0845-2469 APS IN

भारत सरकार
GOVERNMENT OF INDIA
अन्तरिक्ष विभाग
DEPARTMENT OF SPACE

कार्मिक व सामान्य प्रशासन

PERSONNEL & GENERAL
ADMINISTRATION

No.30/5/91(51)Admn.HBA

August 22, 1995

The Deputy Registrar,
(Judicial Branches)
Central Administrative Tribunal,
Second Floor,
Commercial Complex,
Indira Nagar,
BANGALORE: 560 038.

Recd as R.L. No. A/576.
R. Add to file & note
24/8/95
S. (JII) - 24/8/95
Smt P

Sir,

Sub: OA 2057/90-94

Your attention is invited to Order dated 12.06.1995 on the above OA issued by Hon'ble CAT, Bangalore in the case of Shri Antony Paul Koola Vs Director, LPSC under which it was decided by the Hon'ble CAT that Shri Koola may file a detailed representation within two weeks of the order and the department will dispose the representation within one month thereafter. Shri Koola has submitted a representation dated 26.06.1995. The application was considered by the competent authority and has decided that his representation dated 26.06.1995 requesting for further extension of time for completion of house upto 31.03.1996 cannot be agreed to and also that order issued by LPSC for the refund of the advance which was kept in abeyance to be done with immediate effect. The representation has been disposed accordingly.

We are enclosing the copy of the representation dated 26.06.1995 and order No.LPSC/DLS/24(OA.2057)/95 dated 24.07.1995 disposing the case and intimation No.30/5/91(51)-Admn.HBA dated 03.08.1995 addressed to Shri Antony Paul Koola for kind reference of court.

Not enclosed
R
24/8/95

Yours faithfully,

(K.INDIRA DEVI)
ADMN.OFFICER-II

भारतीय अन्तरिक्ष अनुसन्धान संगठन
INDIAN SPACE RESEARCH ORGANISATION

Government of India
Department of Space
LIQUID PROPULSION SYSTEMS CENTRE
Valiamala, Trivandrum - 695 547

No. LPSC/DLS/ 2.4(DA.2057)/ 95

24.7.1995.

O R D E R
- - - - -

Shri Antony Paul Koola, Sr.Tech. 'A', LPSC, Bangalore was granted House Building Advance of Rs.1,00,000/- vide Order No.30/5/90(49)-Admn-HBA dated 27.3.91 read with Order No. 30/5/90 (40)/Admn-HBA dated 27.3.92 for purchase of plot and construction of house comprising of an area of 81.10 SQ.M at an estimated cost of Rs.2,10,000/-. The balance amount required for construction to the extent of Rs.1.10/- lakhs was proposed to be met by him from his personal savings and provident fund. The first installment of advance of Rs.11,324/- for purchase of plot was disbursed to him on 27.3.91 while the remaining amount of advance were paid in two equal installments on 30.3.92 and 31.3.92 on his ensuring compliance with the provisions of rules. Shri Koola who received the first installment on 27.3.91 was required to submit his plan and estimate within six months therefrom but he submitted the same only on March 1992 after a lapse of one year. Shri Koola who ought to have completed the construction of the house by March 1993 ie. within 24 months from the date of first installment of advance was disbursed to him sought extension of time of one year for completing the construction on the ground of financial constraints resulted due to escalation of prices on various construction materials. The extension of time sought by

Shri Koola was granted. Shri Koola however failed to complete the construction even during the extended period of one year. He was, therefore, advised to refund the advance with interest vide memorandum dated 27.4.94. In the meanwhile the Construction Engineer, Civil Engineering Division in his report dated 17.5.94 submitted in pursuance of a request to inspect and furnish a report on the present status of the construction of house certified that the construction of the house had not progressed beyond plinth level eventhough the entire amount of advance was paid to him more than two years back. As Shri Koola failed to refund the advance as directed vide this office Memorandum dated 27.4.94 he was directed to submit his explanation vide Memorandum dated 17.6.94. In response to the said memorandum he submitted a representation dated 22.6.94 wherein he submitted that the site purchased by him was having loose soil resulting in caving in of construction the rebuilding of which was time consuming process. The other reason putforth by him was that he could not dispose of his ancestral property the proceeds of which he proposed to utilise to meet the cost of construction. He, therefore, requested extension of time upto 31.3.1995. As the reasons adduced by him was not convincing he was vide Memorandum dated 18.7.94 directed to refund the advance with interest before 22.7.94. Instead of complying with the directive Shri Koola submitted another representation dated 20.7.94 explaining the circumstances in the delay for completing the construction of the house and requesting extension of time up to the end of the year 1994. Director, LPSC who considered his representation did not

concede to his request as reason furnished by Shri Koola was not justifiable. Therefore, the Centre was left with no option other than to cancel the sanction order and order recovery of the advance granted to him. Accordingly communication dated 5.12.94 for recovery of advance was issued against which Shri Koola moved the Hon'ble Central Administrative Tribunal, Bangalore in OA.2057/94.

On a perusal of the case file of Shri Koola I find that his is a case of perpetual violation of rules. Shri Koola who received the entire amount of advance by March '92 did not proceed to construct the house beyond plinth level upto May 1994 implying that he utilised the amount of advance for a purpose other than for which it was granted. Shri Koola who was granted HBA for construction of house comprising a plinth area of 81.10 SQ.M had undertaken the construction comprising of 71.72 SQ.M only. He has not taken permission for effecting deviation in the plan of construction. The theory of loose soil and crack in the foundation adduced by him for non-completion of construction within the stipulated time was a later invention in as much as he did not indicate the said fact while applying for initial extension. He was in the habit of seeking extension under one pretext or another. Shri Koola was aware even before starting construction that he had to raise additional resources to meet the cost of construction. He had an option to avail loan from other financial institutions by a second mortgage and raise financial resources if required which he appears to have not done for reasons well known to him alone. He could have thus saved

him from escalation in the cost of construction and completed the house within the extended period.

In view of the facts mentioned above and viewed in the context of his persistent breach of rules and regulations I am not inclined to concede to his request contained in his representation dated 26.6.95 requesting for further extension of time upto 31.3.96 for completion of house submitted in pursuance of the order of the Hon'ble Central Administrative Tribunal in DA.2057/94 and as such order recovery of the advance kept in abeyance with immediate effect, as directed in the letter 5.12.1994. The representation dated 26.6.95 is disposed of accordingly.


(M.K.C. NAIR)
CONTROLLER

To

Shri Antony Paul Koola
Sr.Tech. 'A'
LPSC, Bangalore

(Thro' proper channel)

cc: ✓ Admn.Officer-II, LPSC, Bangalore
Accounts Officer, LPSC, Bangalore

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26 th June 1995
Bangalore.

From

Antony Paul Koola
Sr.Tech. - A
LPSC - ISRO
Bangalore - 8

*Pl put up to
Controller along
with a copy of
the judgement.*

To

The Administrative Officer - II
LPSC
Bangalore - 8

28/6

Dear Madam,

Sub : House building advance - Reg.No.

I am submitting the following few lines for your kind consideration .

I was sanctioned the house building advance in 1991. Thereafter I started the construction of my House, which was estimated at Rs. 2,80,000 in April 1992. The construction upto Plinth level was inspected and approved by the Engineers of CED, Dept. of Space.

The site which was allotted to me by the society was technically not fit for construction and contained loose soil. I had to drill a borewell to overcome the water scarcity problem. There was an unexpected expenditure of Rs. 20,000. But unfortunately while drilling, the foundation got cracks and one side caved in. That portion of the building was dismantled and reconstructed and as such I had to bear the additional burden of Rs. 10,000.

The total amount spent on construction upto date is Rs. 1,75,000, whereas the department had sanctioned me a loan of Rs. 1,00,000 including the last instalment of the site value. The ancestral property which is in my wife's name was to be disposed off and the same amount was originally planned to be used for the construction of the building. But unfortunately now the Govt. of Kerala has notified that the land is to be acquired.

LPSC PGA
Inw. No. 6343 Dt. 27.6.95

LPSC PGA
Inw. No. 629 Dt. 26.6.95

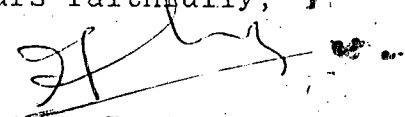
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I will be getting compensation from the said land and I will complete the construction as soon as I get the compensation. I have approached the Hon'ble CAT, Bangalore in OA. no. 2057/1994 and as per the directions of this Hon'ble Tribunal, I am submitting this representation. In view of the above mentioned facts, I request your good self to kindly grant me time upto March 31, 1996, wherein I will complete the remaining part of the building.

I hope and trust the same will be granted to me. I assure your goodself that I will finish the work as early as possible.

Thanking you,

Yours faithfully, .



(Antony Paul Koola)..

Enclosures :

1. Copy of Hon'ble CAT dated 12.06.95 in OA no. 2057/1994
2. Copy of the Land acquisition notice no. a 954/94 dtd. 7.01.95