

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.410/93

date of decision : 30-7-1993

Between

R. Narsimhulu

: Applicant

and

1. The Chief Postmaster General
A.P. Circle
Hyderabad

2. The Supdt. of Post Offices
Adilabad Division
Adilabad

: Respondents

Counsel for the Applicant

: S. Ramakrishna Rao,
Advocate

Counsel for the Respondents

: N.V. Ramana, SC for
Central Government

CORAM

HON. MR. A.B. GORTHY, MEMBER (ADMINISTRATION)

Judgement

Heard Sri N.V. Ramana, learned counsel for the respondents.

2. The applicant's grievance is against the respondents' decision not to release the mortgage and other relevant documents of House Building Advance duly redeeming the charge created at the time of availing the House Building Advance. He has ~~therefore~~ requested that a direction be issued to the respondents to release the relevant documents to him.

3. The applicant was sanctioned House Building Advance (HBA) of Rs.27,900 vide Memo dated 10-3-1981. In the sanction order it was specifically mentioned that the interest on the advance would be chargeable at the rate of

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8% for the amount of Rs.25,000 ~~to~~ Rs.50,000 and as the applicant needed some more money, he requested for enhancement of the HBA as he was eligible for a total amount of Rs.30,000. His request was accepted and the loan was enhanced and he was consequently given an extra amount of Rs.2,100 towards HBA, vide Memo dated 8-3-1988. In the said memo there was a stipulation that the interest on the enhanced amount will be chargeable at the rate of 10% p.a. The applicant was compulsorily retired w.e.f. 19-10-1991. While paying him the pensionary benefits, the respondents have made full recovery of the balance of the HBA together with the interest. As such, he applied to the respondents requesting them to return all the original documents surrendered to the Department at the time of applying for the HBA and also to intimate the redemption of mortgage to the Sub Registrar, Mancherial. The respondents rejected the request of the applicant stating that an additional amount of Rs.9,121+145 was due from ~~him~~ and that all the papers would be released only after he had paid the entire amount.

4. The contention of the applicant is that the enhanced rate of interest of 10% p.a. would apply only to the extra amount of Rs.2,100 that was sanctioned vide memo dated 8-3-1988 and that it would not apply to the entire amount of Rs.30,000.

5. Admittedly, the rate of interest of 8% p.a. was to be charged on the amount of Rs.27,900 that was initially sanctioned as House Building Advance. But as the applicant requested for 100 times the basic pay instead of 75 times, the rate of interest was fixed in accordance with the

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extant instructions at the rate of 10% p.a. This would be clear from the memo dated 8-3-1988, which is at Annexure-6 to the application itself. It states that the interest on the "enhanced amount will be chargeable at the rate 10% per annum." The term 'enhanced amount' would not mean the amount by which the HBA was enhanced but the total enhanced amount. The enhanced amount is Rs.30,000 and as such the interest payable thereon would be 10% p.a. It would be futile to contend that the enhanced rate of interest would apply only to the additional amount sanctioned, because that would give an opportunity to employees to obtain loans in instalments so that the rate of interest is kept low.

6. The documents which the applicant has asked for can be surrendered to him only if he had cleared all the dues to the Government so far as they relate to the House Building Advance. Consequently, it is seen that the respondents' decision dated 12-3-1993, not to release the documents unless the applicant had paid the amount due on account of HBA and interest thereon, cannot ^{be} said to be either illegal or unfair.

7. In the result, the application is dismissed with no order as to costs.

(Signature)
(A.B. Gorthi)
Member (Admn.)

Dated : July 30, 1993
dictated in the Open Court

(Signature)
Deputy Registrar (J)

To

1. The Chief Postmaster General, A.P.Circle, Hyderabad.
2. The Superintendent of Post Offices, Adilabad Division, Adilabad.
3. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

sk

pvm

30/8/93
P.V. Gorthi
S.B.

FORWARDED BY

APPROVED BY

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: - 4.1.93

ORDER/JUDGMENT: . . .

M.A/R.A/C.A.No.

in

O.A.No.

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.