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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1100/94.

Dt. of Decision : 20-10-94.

Mrs. Subba Laxmi

.. Applicant.

Vs

1. The Telecom District Engineer,
Nizamabad.

Telecommunication, "Door Sanchar
Bhavan, Nampally Station Road,
Hyderabad.

3. Union of India, rep. by the
Secretary to the Ministry of
Urban Development, New Delhi. .. Respondents.

Counsel for the Applicant : Mr. K. Venkateswara Rao

Counsel for the Respondents : Mr. N.V. Raghava Reddy,
Addl.CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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25/10/94
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O.A.No. 1100/94Date of Order: 20.10.94

X As per Hon'ble Shri A.V.Haridasan, Member (Judl.) X

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In this application filed under Section 19 of the Administrative Tribunals Act the applicant an employee under the Telecom Department is aggrieved by the rejection of her claim & for house building advance to repay the loan raised from HDFC for construction of a house. The applicant raised loan for the construction of the house in the year 1991. Coming to know of Government of India availed of loan from financial institution for construction of residential house would be entitled to house building advance from the Government to repay the loan to the financial institution, the applicant had applied for grant of house building allowance on 9.10.91. This request of the applicant was rejected by the order dt. 24.6.94 on the ground that the case of the applicant was not covered by the Government of India instructions as she had not applied to the department for loan first before availing the facility from the HDFC.

2. Heard Mr. K. Venkateswara Rao, learned counsel for the respondents. Mr. N. V. Raghava Reddy argued that the very order on the basis of which the applicant claimed house building advance from the government for repayment of the house building loan to HDFC there is a condition that the employee should have been eligible for grant of house building advance on the date on which he applied for loan from the financial institution, and that

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he should have first applied to the department for house building advance but was obliged to approach the financial institution as his demand for house building advance could not be met by the government for paucity and that as the applicant did not satisfy these conditions she was not eligible for the benefit of the government order.

3. The applicant herself has produced a copy of the government order dt. 1.10.91 para 2 of the order which reads as follows:-

"The matter has been considered in consultation with the Ministry of Finance and it has been decided that house building advance would be admissible to the Government employees for repayment of the loan raised by them under the above-mentioned 'Ownership Housing Scheme' of HUDCO for acquisition/construction of houses/flats through the Development Authorities, Housing Boards, etc. However, as prescribed in 17.4.1989 and 7.9.1990 (vide 31/405/84/JI dated and 96 of 1990 of Swamy's Annuals respectively) before sanctioning house building advance to the employees for repayment of this loan, Ministries/Departments should ensure that they were eligible for house building advance on the date the Development Authorities/Housing Boards/Co-operative Societies, etc., has raised the loan for them from HUDCO and they had requested the Development Authorities, Housing Boards, etc., for arranging the loan for them only after they had applied for house building advance and the same was not sanctioned to them due to paucity of funds. Other provisions of house building advance rules should also be satisfied".

4. A reading of this paragraph in the Government order would clearly establish that house building advance for repayment of loan raised from financial institutions would be available only to those government employees who had obtained house building loans from financial institutions after making an application for house building advance to the department and failing to

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obtain the same for paucity of funds. The applicant did not first apply to government for house building advance before availing the loan from financial institution. Therefore, in accordance with the Government of India order the applicant is not entitled to the house building advance. Hence I do not find any legitimate grievance for the applicant which requires redressal.

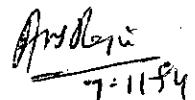
----- ~~the~~ application is ~~dismissed~~ rejected under Section 19(3) of the Administrative Tribunals

as to costs.


(A.V. HARIDASAN)
Member (Judl.)

Dated: 20th October, 1994

(Dictated in Open Court)


7-11-94

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Copy to:

1. The Telecom District Engineer, Nizamabad.
2. The Chief General Manager, Telecommunication, ~~Door~~ Sanchar Bhavan, Nampally Station Road, Hyderabad.
3. The Secretary to the Ministry of Urban Development, Union of India, New Delhi.
4. One Copy to Mr.K.Venkateswar Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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Mu/Tu/Ray.

Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER (J)

AND

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

Dated: 20.10.94

ORDER/JUDGMENT.

M.A./T.R.P/C.P/No.

B.A.NO. 1100/PU

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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