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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.427 of 1995.

Between

Dated: 23.8.1995.

K.Dayakara Rao

...

Applicant

And

The Chief General Manager, Telecom, A.P.Circle, Hyderabad.

...

Respondent

Counsel for the Applicant

: Sri. B.Nageswara Rao

Counsel for the Respondent

: Sri. N.V.Ramana, Addl. CGSC.

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

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O.A.No.427/95

Date of Order: 23.8.95

X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

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The applicant is aggrieved by the decision of the respondents not to sanction House Building Advance (HBA) to him for the purchase/construction of a flat at Visakhapatnam.

2. The applicant purchased a land admeasuring 57.8 Sq.Yds. being undivided share of 578 Sq.Yds. covered by Survey No.6 of Rsapuvanipalem Village, Visakhapatnam through a registered sale deed. He along with the others who purchased the said land entered into an agreement with M/s Sree Venkateswara Engineers to construct flats on the land. The applicant applied for HBA but he was informed that his name was put on the waiting list and that approval would be ^{accorded} agreed as and when the funds were made available. He therefore sought official permission for raising a private loan and after obtaining necessary permission of the Telecom District Manager, Visakhapatnam he raised ^a the loan of Rs.95 as per details given below:-

- | | |
|--------------------------|-----------------|
| (1) D.V.Gangadharam, SBI | -- Rs. 35,000/- |
| (2) Can Fin Homes Ltd., | -- Rs. 80,000/- |

On the completion of the flat, he again approached the department for sanctioning H.B.A. but it was refused on the ground that the applicant fail^{ed} to register the land in his name.

3. Heard learned counsel for both the parties. The contention of the applicant's counsel is that his share of the land was duly registered in his name and as such there was no requirement ^{of} registered the flat separately. Refuting this contention learned standi

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counsel for the respondents has shown me O.A.No.1/17015/1/76-H.III dated 15.1.76. According to the said O.M. one of the conditions laid down is that the government servant must obtain a right to mortgage the house/flat to the President of India. He further contends that unless the flat is registered in the applicant's name, he will not be in a position to mortgage the flat in favour of the President. The learned counsel for the applicant, on the otherhand, submits that the flat together with the piece of land registered in the name of the applicant can be mortgaged in favour of the President of India. Learned counsel for the applicant further states that another employee of the same department, namely Sri C.Poornachandra Rao who is now working as A.E. Co-Axial, Visakhapatnam and who too acquired a flat in a near by block by the same contractor has been sanctioned HBA by the Chief General Manager, Southern Telecom Region, Madras.

4. In the afore-stated circumstances, I deem it just and proper to dispose of this OA with the following directions to the respondents:-

- (1) The respondents shall obtain the necessary information/material from the Chief General Manager, Southern Telecom Region, Madras with regard to the sanction of HBA to Sri C.Poorna chandra Rao, A.E., Co-Axial, Visakhapatnam.
- (2) If the case of the applicant is identical to that of Sri Poornachandra Rao, the respondents shall consider the case of the applicant on similar lines for grant of H.B.A. unless the grant of H.B.A. to Sri Poornachandra Rao is cancelled or is likely to be cancelled.

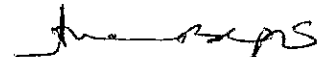
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Respondents to comply with the above directions within a period of three months from the date of communication of this order. No order as to costs.


(A.B.GORTHY)
Member (Admn.)

Dated: 23rd August, 1995
(Dictated in Open Court)


Deputy Registrar(Judl.)

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Copy to:-

1. The Chief General Manager, Telecom, A.P.Circle, Hyd.
2. One copy to Sri. B.Nageswara Rao, advocate, P.NO.7, SBH colony, Asmangadh, Malakpet, Hyd.
3. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

Rsm/-

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TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRA-
TIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT: ✓

DATED: 23/8/1995.

~~M.A./P.A./C.A.NO.~~

IN

O.A.NO.

427/95

T.A.NO.

(W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS. ✓

DISMISSED.

DISMISSED AS WITHDRAWN.

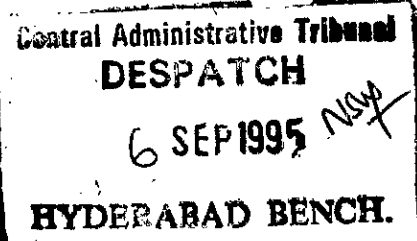
DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS. ✓

* * *

Rsm/-



[Signature]