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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.636 of 1996

DATE OF JUDGEMENT: 24th September, 1996

BETWEEN:

M.MOHAN RAO

.. Applicant

and

1. The Postmaster General,
Vijayawada Region, Vijayawada,
2. The Chief Postmaster General,
A.P.Circle, Hyderabad,
3. The Senior Superintendent of Post Offices,
Prakasam Division, Ongole,
4. Govt. of India, represented by its
Secretary to the Ministry of Urban Developoment,
New Delhi. .. Respondents

COUNSEL FOR THE APPLICANT: SHRI K.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: SHRI K.BHASKAR RAO, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER(ADMN.)

Heard Shri K.Venkateswara Rao, learned counsel for the applicant and Shri K.Bhaskar Rao, learned standing counsel for the respondents.

2. The applicant was initially granted House Building Advance to the extent of Rs.25,800/- in terms of the Memo No.AB.15/3518 dated 24.2.81. The interest on this amount

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was sought to be recovered @ 6½% for the first Rs.25,000/- and 8% for the balance amount of Rs.800/-. The applicant executed mortgage deed duly mortgaging the house in Survey No.291/1 at Ongole Village. The said amount of Rs.25,800/- was released in three instalments as per the memo No.AB-15/3518 dated 25.3.81. The House Building Advance was further enhanced from Rs.25,800/- to Rs.30,000/- following the extant rules. The additional advance was also disbursed. It is stated that it was directed that the entire House Building Advance will be recovered as per the mortgage deed and the additional amount of Rs.4,200/- will have to be recovered with interest @ 10%. It is also stated that a rebate of Rs.2½% in the interest will be allowed if all the conditions stipulated in the mortgage deed is complied with. However, his request for rebate in the House Building Advance was rejected by the impunged letter No.AB.15/3518 dated 14.2.94 on the plea that the house was insured only for the period from 10.3.88 to 9.3.89 and from 10.3.89 to 9.3.90. It is also stated that besides refusing for the rebate in the interest, an amount of Rs.5,495/- was also additionally recovered as interest. He submitted representation dated 24.5.95 (Annexure A-9) for return of the additional amount of Rs.5,495/- recovered from him. He submits that the above recovery is illegal in view of the O.M.No.1/17011/4/78 H-III dated 6.11.81. He also submits that his case was upheld by the Ministry of Urban Developoment vide letter No.242/HIII/95 dated 20.3.95. This letter dated 20.3.95 is not enclosed to the OA.

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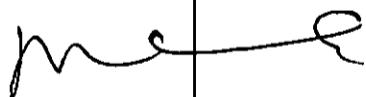
3. This OA is filed for refund of the additional interest of Rs.5495/- as requested in his representation dated 24.5.95 (Annexure A-IX).

4. As the representation is still pending with R-1, it is preferable to dispose of this OA with a direction to R-1 to dispose of that representation within a period of two months from the date of receipt of a copy of this order.

5. In the result, following direction is given:

R-1 should dispose of the representation dated 24.5.95 of the applicant within a period of two months from the date of receipt of a copy of this order.

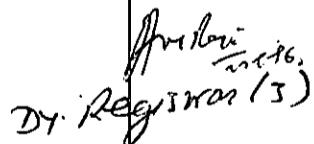
6. The O.A. is ordered accordingly. No costs.



(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 24th September, 1996
Open court dictation.

vsn



Dy. Registrar (3)

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Copy to:-

1. The Postmaster General, Vijayawada Region, Vijayawada.
2. The Chief Postmaster General, A.P.Circle, Hyd.
3. The Senior Superintendent of Post Offices, Prakasam Division, Ongole.
4. The Secretary, to the Ministry of Urban Development, Govt. of India, New Delhi.
5. One copy to Sri. K.Venkateshwara Rao, advocate, CAT, Hyd.
6. One copy to Sri. K.Bhaskar Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

9/10/96

DA-636/96

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

DATED:

24/9/96

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

O.A.NO.

636/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
DESPATCH

9 OCT 1996

हैदराबाद बैठकाल
HYDERABAD BENCH