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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

O.A.No.388 OF 1997.

DATE OF ORDER:8-10-1999.

BETWEEN:

M.Mohan Rao.

....Applicant

a n d

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

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.Venkateswara Rao

COUNSEL FOR THE RESPONDENTS :: Mr.B.Narasimha Sharma

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

: ORDER :

ORAL ORDER (PER HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN)

Heard the learned Counsel Mr.K.Venkateshwar Rao for the Applicant and the learned Senior Standing Counsel Mr.B.Narasimha Sharma for the Respondents.

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2. In this OA the respondents are sought to be directed to refund the additional interest of Rs.5,495/- allegedly recovered from the applicant in excess of normal interest of Rs.9,806/- in terms of OM.No.1/17011/4/78-I.III, dated 6-11-1981 and also vide Letter No.242/H.III/95, dated 20-3-1995, with interest at 18% per annum from the date of recovery and to hold that the action of the respondents in rejecting the representation of the applicant dated 24-5-1995 for refund of rebate on HBA interest vide Memo. No.AB.15/5318/KW, dated 13-12-1996 issued by the Post Master General, Vijayawada Region to be illegal and void.

3. During the course of arguments it was found necessary at an earlier stage that the respondents should be asked to give complete break up of the amount which the applicant was liable to pay and also to point out separately what interest the applicant became liable to pay on the House Building Advance sanctioned and granted to the applicant. The statement prepared accordingly by the respondents was handed over to the learned Counsel for the Applicant during the course of hearing to-day. However, according to the learned Counsel for the Applicant, the break up of various figures and the amount calculated by way of interest was not in accordance with the rules and regulations inasmuch as the interest liability was not determined on the basis of reducing balances and that the interest was calculated at such rate which was not permissible under law according to the learned Counsel Mr.Venkateshwar Rao. Several other objections were also

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raised regarding the correctness of the calculations including the propriety of such calculations.

4. In view of these discrepancies, it was felt mutually by the parties that the applicant may make a suitable representation to the Respondent No.2 giving all details of the objections to the calculations as urged by the learned Counsel for the Applicant.

5. This OA is therefore disposed of with a direction to the Respondent No.2 to consider the representation which may be made by the applicant of this OA and decide the same within two months from the date of receipt of a copy of this Order. If the Respondent No.2 considers necessary, the applicant may be called upon in person to explain his case so that the discrepancies in the calculation of interest and other dues may be reconciled. The Registry is directed to forward a copy of this OA along with its accompaniments to the Respondent No.2 to enable him to take into consideration the points raised by the applicant in the present OA and decide the same in accordance with the extant Rules and Regulations.

6. The OA is disposed of accordingly. No order as to costs.

Dhoni
(D.H.NASIR)
VICE CHAIRMAN

DATED: this the 8th day of October, 1999

Dictated in the Open Court

DSN

*Amrit
Tiwari*

1ST AND 2ND COURT

COPY TO :

1. HDHNO ✓

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

2. HRRN M (7) ✓

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

3. HBGD M (3) ✓

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

4. D.R. (A) ✓

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (ADMIN.)

5. SPARE ✓

THE HON'BLE MR. S. JAI PARAMESWAR
MEMBER (JUDL.)

6. ADVOCATE ✓

THE HON'BLE MR. S. JAI PARAMESWAR
MEMBER (JUDL.)

7. STANDING COUNSEL ✓

THE HON'BLE MR. S. JAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 8/10/99

MR/R/SP/PC

IN

SL. NO. 388/97

ADMITTED AND IN TERRIM DIRECTIONS
ISSUED

ALLOWED

OP. CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

27 OCT 1999

हैदराबाद स्थायी दृष्टि
HYDERABAD BENCH