

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 362/99

Date of Order : 21.6.99

BETWEEN :

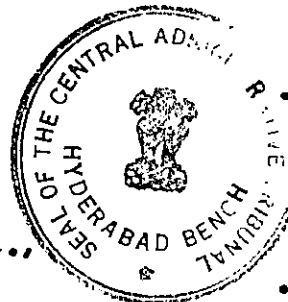
M.Ravinder

.. A pplicant.

AND

Chief Executive, N.F.C.,  
Hyderabad.

.. Respondent.



Counsel for the applicant.

.. Mr.B.Srinivasulu

Counsel for the Respondent

.. Mr.B.N.Sharma

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMIN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, Member (J) X

None for the Applicant. Mr.M.C.Jacob, for  
Mr.B.N.Sharma, learned standing counsel for the  
respondents.

*Jc*

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2. The applicant herein is working as Scientific Assistant 'C' under the respondent organisation. During the year 1994 he submitted a proposal of house built with an estimation of Rs.1,30,000/- on the basis of which the respondents sanctioned Rs.80,000/- as HBA Loan and due to escalation of prices of the construction materials, he could not complete the construction. The applicant then submitted a proposal to get loan from the LIC Housing Finance Limited. The respondents granted permission vide their letter dated 1.3.97, permitting him to create a second charge on the property.

3. On 23.3.98 the Government issued O.M. instructions basing on the recommendations of the V Pay Commission. Relying on the said O.M., the applicant claims that he is entitled for the escalation of the cost price of the house built. He submitted a representation for giving the benefit of the O.M. dated 23.3.98 and the same was rejected by the respondent authorities as per the impugned letter dated 2.5.98.

4. Hence the applicant has filed this OA praying for a declaration that the letter of rejection issued by the respondent on 2.5.98 reference NFC/PA/V/01/002/3467/96 dated 3.6.98 is arbitrary, illegal and for a consequential direction to the respondents to allow the applicant to avail HBA advance in accordance with the OM issued by the

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Government of India on 23.3.98 and to release the amount by considering the above case.

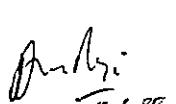
54. The O.M. dated 23.3.98 came to be issued only on the basis of the recommendations made by the V Pay Commission. That OM is applicable to the prospective employees who are willing to obtain the HBA. An employee who obtained HBA earlier to the recommendations of the V Pay Commission cannot ask for escalation under the OM dated 23.3.98. The applicant is not entitled in view of the memo dated 14.1.98 (A-10). He has not only taken the full HBA as per the earlier orders and he was also given permission to create a second mortgage in favour of LIC to get more amount. The applicant is not entitled to the reliefs claimed.

6. The OA is therefore dismissed. No costs.

  
 B.S. JAI PARAMESHWAR )  
 Member (Judl.)  
 21/6/99

  
 ( R. RANGARAJAN )  
 Member (Admn.)

Dated : 21st June, 1999  
 ( Dictated in Open Court )



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1ST AND 2ND COURT

COPY TO:-

1. HONJ

2. HHRM (A)

3. HBSOP (J)

4. D.R. (A)

5. SPARE

TYPED BY  CHECKED BY  
COMPARED BY  APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

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

THE HON'BLE MR. H. RAJENDRA PRASAD  
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (A)

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

ORDER: 21-6-99

ORDER / JUDGEMENT

MA. ~~RA.~~ / CP No.

in

DA. No. 362/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED

NO ORDER AS TO DESPATCH.

SRR

