

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 362/99

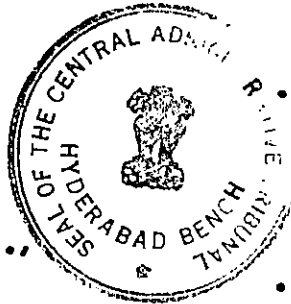
Date of Order : 21.6.99

BETWEEN :

M.Ravinder

AND

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



.. Applicant.

.. 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

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

Jc

.. 2 ..

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 change 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



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

51. 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.)

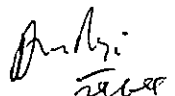
21.6.99


(R. RANGARAJAN)

Member (Admn.)

Dated : 21st June, 1999

(Dictated in Open Court)


J. S. Narayan

COPY TO:-

1. HONJ
2. HHR M(A)
3. HSDP M(J)
4. D.R.(A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED 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

SRR

