

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1241/1998

New Delhi this the 22nd day of September, 2000

HON'BLE MR. KULDIP SINGH, MEMBER (J)

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

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1. Government School Teacher's Association, Delhi (Registered & Recognised) 221-A, Old Secretariat, Delhi-110054 Through : its General Secretary, Sh. P.L. Sharda.
2. Sh. Satish Tokas, R/o 248-A3, Munirka Village, New Delhi-110067
3. Sh. Jatinder Ahlawat, B, Chirag Delhi, New Delhi

...Applicants

(By Advocate Sh. K.N.R.Pillai)

Versus

1. Union of India, through the Secretary, Ministry of Urban Development, Nirman Bhawan, New Delhi

...Respondents

(By Advocate Sh. Gajender Giri)

ORDER (Oral)

BY HON'BLE MR. KULDIP SINGH, MEMBER (J) :-

The Government School Teacher's Association Delhi and 2 other persons have filed the present O.A. against non-acceptance of their representation dated 14.10.1995, (Annexure A-1) by Minister of Urban Development, GOI vide Annexure A-2, dated 25th October, 1995, which is being interpreted by the applicants that they are being denied the allotment of Government accommodation from general pool by Union of India. To strengthen their case the applicants stated that allotment of govt. residence from the general pool in Delhi is governed by the Allotment of Govt.

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Residences (General Pool in Delhi) Rules, 1963. The

rules requires that an employee should belong to an "10
eligible office" located in an "eligible zone", and

various offices of the Delhi Administration like the

Directorate of Education, Directorate of Health

Services etc. have been declared as eligible offices

and the applicants who are teachers employed by the

Directorate of Education, Delhi which had been

declared as an eligible office, but the still Delhi

Administration teachers have been denied the right of

allotment of general pool accommodation as per the

office memo. dated 25.10.95. It has been further

contended by the applicants that this discrimination

is only against them as other similarly situated

employees of the NCT of Delhi are enjoying the benefit

of allotment of govt. accommodation from general pool

accommodation. The Directorate of Education and the

Directorate of Health Services of Delhi are both

declared "eligible offices" and the Directorate of

Education has zonal and district offices. The Schools

where the Teachers work, are controlled by District

and Zonal offices and their appointing authority is

the Directorate of Education likewise, under the

Directorate of Health Services, there are zonal

offices. In each zone there are dispensaries where

Medical Officers work. These Medical Officers of

Delhi are treated as eligible and are allotted

accommodation from the General Pool, while the Teacher,

who are exactly similarly situated are denied the same

benefit, even in the Education Directorate itself, the

staff of the Directorate, Ministerial staff and Group

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D staff as well as similiar categories in the District and zonal offices, are treated as eligible and only the teachers are being discriminated for this benefit. This discrimination, for which there is no rational basis, infringes their rights under Articles 14 and 16 of the Constitution.

2. The D.A. is being contested by the respondents by filing the reply wherein it is stated that schools of Delhi Administration were never declared eligible for general pool accommodation from General Pool and hence the staff, including teachers working in the schools were never eligible for General Pool accommodation. It has been further stated that a request was received from Delhi Administration in 1988/89 to include 33 more offices in the eligibility list. After considering the matter a decision was taken and communicated that no more offices of Delhi Adminn. would henceforth be included in the eligibility list. It is further clarified that the eligibility for General Pool residential accommodation is limited to the Dte. of Education and Dte. of Health and Family Welfare and its zonal/administrative offices only and the staff working in dispensaries including medical officers if posted in dispensary are presently not eligible for General Pool accommodation. It is further submitted that teachers working in the schools of Delhi Administration are not at par with CBI and Income Tax Departments because prime responsibility to provide accommodation to their staff rests with the Central Govt whereas in the case of schools, it lies with the Govt. of N.C.T. Delhi.

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3. The learned counsel for the respondents relied on judgement in O.A. No. 1621/1997 (with connected OAs) titled Mrs. Vinod Bibra & Ors. Vs. Union of India & Ors. We as coordinate Bench of this Tribunal are bound by the view expressed in the aforesaid judgement in the similiar matter. The subject matter of that O.A. was to quash the O.M. dated 27.12.1991, which is the subject matter of the present O.A., which had debarred teaching staff of Delhi Administration for being eligible for allotment of residence from the general pool accommodation. In the aforesaid O.A. the similiar points and facts were discussed about the rejection of the O.M. dated 26.10.1993. The O.A. was rejected and it was also observed that Govt. of NCT Delhi to specifically consider the applications of the applicant for allotment of accommodation under NCT Pool in accordance with the rules taking into account their seniority.

"From the impugned O.M. dated 24.12.1991, it is seen that although there was an earlier practice of allotting general pool accommodation to the school teachers of Government of NCT, Delhi, the matter had been specifically reviewed in the light of various representations and a conscious decision was taken not to include Delhi Government Schools as eligible offices. We are not persuaded by the argument that the respondents have included certain other offices including the offices in the nature of educational institutions. The respondents, no doubt, would have to take into account the large number of teachers who would become otherwise eligible if such schools are also declared as eligible offices and the number of quarters available under the general pool".

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4. In this case we find that the facts and points are similiar and are squarely covered by the judgement earlier given by this Tribunal in O.A. No. 1621/1997.

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Ors. The policy decision taken by the Central Government debarring Delhi School teachers from general pool accommodation does not suffer any illegality. We find no reason to hold that this violates the Constitution particularly the article 14 & 16. Since the Delhi School teachers can be said to be a 'class' in itself and by applying the doctrine of reasonable classification the Govt. can by an executive order declare that Delhi School teachers form a group who are not "eligible" for allotment of residence from General Pool accommodation.

5. Hence we are of considered opinion that O.A. No. 1621 does not call for any interference. The same is hereby dismissed. No costs.

S.A.T. Rizvi

« S.A.T. RIZVI »
MEMBER (A)

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(KULDIP SINGH)
MEMBER (J)