

In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. CA-807/92

Date: 3.6.1993.

Technical Officers Association.... Applicants
and Others

Versus

Union of India & Ors. Respondents
For the Applicants Shri B.B. Raval, Advocate
For the Respondents Shri P.H. Ramchandani,
Senior Advocate

COURT: Hon'ble Mr. I.K. Rasgotra, Administrative Member
Hon'ble Mr. J.P. Sharma, Member (Judl.)

1. To be referred to the Reporters or not?

Judgement (Oral)

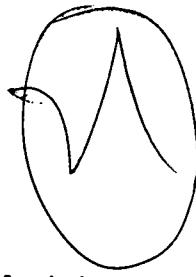
(of the Bench delivered by Hon'ble Mr. I.K.
Rasgotra, Administrative Member)

This O.A. has been filed by Shri Y.P. Yadav,
Deputy Commissioner, working in the Ministry of
Agriculture and the Technical Officers Association
through its President. The President of the Association
is Shri Y.P. Yadav. The petitioner Association
is aggrieved by the order of the respondents dated
19.3.1992, according to which, Shri S.K. Sinha, an
Under Secretary/Assistant Commissioner was to be shifted
from Room No. 115, Krishi Bhavan to Room No. 102. The
grievance of the petitioner is that he was sharing
Room No. 102 with Shri Dandapani, another Deputy Commissioner
in the same office. He was holding equivalent rank. Shri
Dandapani was, however, transferred to his parent department

and nobody has been inducted in the Ministry to replace him. Accordingly, the room should have been allotted to Shri Y.P. Yadav, President of the said Association for occupation singly. The principal reason for this prayer that the petitioner is not only carrying out the official duties but he has also got onerous duties for discharge by virtue of his being the President of the Association. He also found it inconvenient and embarrassing to share the room with a junior officer of the rank of Assistant Commissioner/Under Secretary. By way of relief he has prayed for the following:-

"to quash the impugned order at Annexure-A and further direct the respondents not to obstruct the working of the individual officers in their individual capacity, even though they are members of the Technical Officers Association."

2. Shri B.B. Raval, learned counsel for the petitioners, referred us to page 33 of the paper-book and submitted that the petitioner Association had applied to the Secretary, Department of Agriculture, on 20th March, 1992 to allow Shri Yadav, President of the Technical Officers Association, to occupy Room No.102, 'B' Wing, Shastri Bhavan, independently for the reason that he was dealing with confidential matters of the Association and had to take several meetings with media persons, etc., besides doing his official work. It was



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further stated that Shri Yadav was entitled to allotment of single room as he held the status of a Deputy Secretary. The

3. This case was heard on 29.5.1992. After considering the matter carefully, the Tribunal had observed that "We also feel that allotment of office accommodation is an administrative matter which the senior officers can be trusted to deal with fairly and equitably. The question whether any individual can be represented through the Association in these matters, or whether these matters can be defined as service matters, can best be decided by dealing with the main O.A." While making the above observation, the Tribunal further directed, "We, in the meanwhile, direct that the matter be examined again by the Secretary of the Ministry either himself or through another officer not below the rank of Additional Secretary and appropriate orders be passed after carefully considering all the relevant points within a month of communication of this order. We also direct that till the matter has been so considered at a higher level, the parties will maintain status quo."

4. The respondents, in their counter-affidavit, have taken the stand that the allotment of accommodation is purely administrative matter. Nonetheless, they have submitted that as per the orders of the Directorate of Estates, the entitlement to office accommodation for an

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officer of the rank of Deputy Secretary, which Shri Y.P. Yadav is, is only 108 sq. ft., whereas his request is to allot him to occupy the room independently which measures approximately 216 sq. ft. They further submit that the Technical Officers Association is not under J.C.M. scheme and as such, the question of allotment of office space to this Association does not arise. Admittedly, the Association is a registered society, but that does not entitle the Association for allotment of office accommodation on Government account. Shri P.H. Ramchandani, learned counsel for the respondents, further submitted that the respondents carried out the directions of the Tribunal and the Addl. Secy. of the Ministry, after studying the matter carefully, has passed an order on 3.8.1992, a copy of which is annexed along with their rejoinder filed on 12.8.1992. According to this order, Shri S.K. Sinha, who was a lower rank than the petitioner, has been shifted elsewhere and in his place, Shri R.R. Singh, Joint Director, has been directed to shift to Room No. 102. Thus, the principal grievance of ^{of} the petitioner that he is being made to share accommodation with an officer of lower status, stands removed. Shri Raval, learned counsel for the petitioner, has taken the objection that the respondents could not have passed the order adverted to above. They should have studied the position and submitted their considered views to the Tribunal for

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a decision. We find that our directions are very clear and we had, in fact, asked the Secretary/Additional Secretary of the Ministry to pass appropriate orders after considering all the relevant points within a month of communication of this order. In view of the above, we are of the opinion that the matter like this does not call for interference by this Tribunal. After the Additional Secretary has studied the position and passed the necessary orders, we have no reason to go further into the matter. The O.A. is dismissed with the above observations.

5. There will be no order as to costs.

J.P. Sharma
(J.P. Sharma)
Member (Judl.)

I.K. Rasgotra
(I.K. Rasgotra)
Administrative Member