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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

D.A.No.1941/93

Now Delhi, This the 06th Day of June 1994

Hon'ble Shri P.T. Thiruvengadam, Member(A)

Shri P K Bage,
S/o Shri Zacharies
aged about 31 years
r/o 1669, Sector III
Pushp Vihar,
New Delhi - 110017.

..Applicant

By Shri M K Gupta, Advocate

Versus

Indian Council of Agricultural Research
through

Its Secretary
Krishi Bhavan
New Delhi - 110001.

By Shri R S Aggarwal, Advocate ..Respondents

O R D E R (oral)

Hon'ble Shri P.T. Thiruvengadam, Member(A)

1. The applicant was appointed as Section Officer on direct recruitment in the pay scale of Rs.2000-3500 with effect from 30.7.87. The applicant is working in Indian Council of Agricultural Research(ICAR). ICAR has framed allotment of accommodation Rules, 1986. Rule 5 classifies residences.

into categories for which officers in/slabs of pay are eligible. As per this rule applicant is entitled to Type III accommodation the eligibility for which is available to officers in monthly emoluments ranging from Rs.1500-2799. Rule 9 of the same rules mentions that 5 per cent vacancies

(1)

in Type III and Type IV shall be allotted to officers belonging to SC and ST communities in the ratio of 2 : 1 respectively. The applicant had applied for the allotment of quarter in response to a notification issued on 24.12.92 calling for applications for allotment from eligible officers. After that he had been regularly remanding the respondents for an allotment of a house. Aggrieved by non allotment of such accommodation this OA has been filed. At the time of arguement the learned counsel for applicant prayed only for the relief that allotment should be made strictly in letter and spirit of the allotment of residences Rules.

2. During the hearing, the learned counsel for the applicant drew special attention to Swamy's compilation at page 43 on Reservation and concessions for SC and ST (1992 edition). From this book it is clear that in a 60 point roster, points 20 and 40 are to be allotted to SC employees and point No. 60 is to be allotted to ST employees and the same cycle has to be gone through in the second and further rounds of allotments in the 60 point roster. The case of the applicant is that no running roster has been maintained and as such his right for consideration against the ST quota has been denied.

3. On the other hand, the learned counsel for the respondents argued that there are some other ST candidates who have a higher date of priority and they have to be given considerations in preference to the applicant. The applicant's counsel countered this by the arguement that ST employees with higher date of priority ^{may} be already in occupation of lower type of houses. As per order No. 76 issued by

G.I.M.U.D. Dir of Estates O.M.12035(10)/84 Pol II
dated 25.11.1985 SC/ST employees who are already
in occupation of general pool accommodation will
not be entitled to be considered for allotment
of higher types from the reserved quota.

4. Having heard both the counsels I note that
no running roster seems to have been maintained.
Atleast no such record was produced before the
Bench. The respondents have brought out in para
4(d) of the reply that the first phase of allotment
in respect of type III quarters started in the
month of Sept 1980. The learned counsel for the
applicant pointed out at this stage that even
at that point of time instructions with regard to
allotment of residences were followed. Hence it
will be fit and proper for the respondents to
make out a running roster from Sept 1980 if such
running roster is already not available. All
allotments made in Type III should be included
in this roster and 60th allotment as per this
running roster should be earmarked for a ST employee.
If 60th allotment has already taken place since
on
the first allotment/Sept 1980 the next type III
quarter should be allotted to the seniormost
eligible ST employee. In case the number of allotments
since Sept 1980 is less than sixty the earmarked
quota for ST candidate will obviously arise only
when such a position is reached.

5. The respondents are directed to complete the
exercise of making running roster as per above
direction and intimate the applicant with regard
to the actual roster point of allotment so far

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completed in the cycles of allotment. The applicant's right in the general quota will be without prejudice to his claim against the ST quota. The OA is disposed of accordingly. No costs.

P. T. Thiru

(P.T. THIRUVENGADAM)
Member (A)

LCP