

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 547 of 1998

Allahabad this the 5th day of November, 1999

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Subhash Chandra Arya, Son of Late Har Prasad,
Resident of Type-IV-93, North Railway Colony,
Bareilly Jn. Bareilly.

Applicant

By Advocate Shri R.K. Ojha

Versus

1. Union of India through G.M., Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Moradabad Division, Moradabad.
3. The Additional Divisional Railway Manager, Northern Railway, Moradabad Division, Moradabad.
4. Area Housing Committee, Sub Division, Bareilly through its Chairman.
5. Pool Holder/Station Superintendent, Bareilly Jn. Bareilly.

.....Respondents

By Advocate Shri Avnish Tripathi

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By Hon'ble Mr. S.K.I. Nagvi, Member (J)

Whether the applicant is entitled to ^{Type} ~~Class~~ IV accommodation, which has been allotted to him, for the allotment order for this allotment has been wrongly issued against the rules and deserves to be cancelled vide impugned order dated 27.4.98 which has been challenged by the applicant and supported by the respondents in their counter-affidavit. This is the only short question to be replied in this O.A.

2. The applicant is holding the post of Chief Clerk in the pay scale of Rs.1600-2660 as per 4th Pay Commission which has now been converted into Rs.5500-9000 and claims that at the time when he was allotted a type IV accommodation, he was drawing basic pay of Rs.2300/- and, therefore, under the entitlement rules for various type of house accommodation, he is entitled to type IV accommodation.

3. The relevant portion of the referred rule runs as under:-

"(v) All Group 'C' staff in scale of pay Rs.2000-3200 (6500-10500) and Rs.2375-3500 (7450-11500) and all scales of pay the minimum of which is Rs.2000/- (6500/-) and above). Type IV

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4. Here the question is that of interpretation. As per applicants case all those officials who are drawing Rs.2000/- or the above are entitled to Type IV accommodation whereas according to respondents it does not relate to actual drawal of the salary but indicates the pay scale.

5. In the above referred rule(v), the provision which is applicable in the present matter is "and all scales of pay the minimum of which is Rs.2000/- (6500/- and above) ". Here the pay of Rs.2000/- does not indicate of the individual employee gets but it is the amount which is minimum to the scale to which the member of staff is entitled to type IV accommodation. It is not in dispute that the applicant is in the pay scale of Rs.1600-2660/-, the minimum of which is less than Rs.2000/- which has been converted into Rs.5500-9000 and the minimum of which is less than Rs.6500/- and therefore, under the rules on the point, copy of which is annexure C.A.-2 to the C.A., the applicant is not entitled to type IV accommodation and it does not matter what monthly basic salary applicant is drawing but what matters is the pay scale under which he is placed, and the wrongly issued order of allotment deserves to be rectified by issue of impugned order, by which the earlier order has been cancelled.

6. In view of the facts and circumstances

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discussed above, the O.A. fails and dismissed accordingly. No order for costs. The interim order dated 22.5.1998 stands vacated.

See image

Member (J)

/M.M./