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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J O D H P U R

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Date of order : 12.9.2000.

O.A.No.221/99

1. Heavy Water Supervisors' Association, through its Secretary Shri K.K.Sharma S/o Shri R.S.Sharma, aged 37 years, Scientific Assistant E, Production Section, Heavy Water Plant (Kota), Rawatbhata; R/o Block No. 38, Qtr. No.228, Heavy Water plant (Kota) Colony, Rawatbhata via Kota (Raj).
2. Shri Jagdish Lal Morya S/o Shri Ramsuhaj Morya, aged 40 years, Scientific Assistant E, Production Section, Heavy Water Plant (Kota), Rawatbhata, R/o Block No.4, Qtr. No.21, Heavy Water Plant (Kota) Colony, Rawatbhata Via Kota (Raj) .

..... Applicants.

vs.

1. Union of India through the Secretary to the Department of Atomic Energy, Old Yatch Club, Chhatrapati Shivaji Marg, Mumbai.
2. The Chief Executive Officer, Heavy Water Board, 5th Floor, Vikram Sarabhai Bhawan, Anu Shakti Nagar, Mumbai.
3. The Administrative Officer, Heavy Water Plant (Kota), Rawatbhata Via Kota.
4. The General Manager, Heavy Water Plant (Kota), Rawatbhata Via Kota (Raj) .

..... Respondents.

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CORAM :

HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

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Mr.R.S.Saluja, Counsel for the applicants.

Mr.Vinit Mathur, Counsel for the respondents.

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Per Hon'ble Mr. Gopal Singh, Administrative Member :

1. There are two applicants in this O.A. The First applicant is the Heavy Water Supervisors' Association, represented by its Secretary, and the second applicant is a Member of that Association.

2. This O.A. is filed praying for a declaration that the Members of the Applicant's Association in the Pay Group of Rs. 8500-12000, are entitled to be allotted the Government quarters of Type D/IV on the basis of total length of service in the regular establishment in any of the units of Department of Atomic Energy after declaring the revised criteria of allotment on the basis of 1:1 ratio based on the date of drawal of pay relevant to Type 'D' accommodation and date of entry into service, introduced under Circular No. ~~HNB/IRS/1(7)/426~~ dated 15.1.1999, as contrary to statutory rules and un-enforceable and for a consequential direction to respondents to allow Type D/IV Government quarters under the control of the respondents to the Members of Applicant's Association in the pay group of Rs.8500-12000.

3. We have heard the learned counsel for the parties and gone through the case file.

4. As per the impugned order No. ~~HNB/IRS/1(7)/426~~ 47 dated 15.1.1999, (Annexs.A/1 and A/1A), the applicants are no doubt entitled as per the pay scale to Type D/IV. However, in regard to the allotment of Type D/IV accommodation, it was ordered in the impugned circular that the allotment shall be made in the ratio of 1:1 basis on the drawal of pay relevant to Type 'D' accommodation and date of entry into service.

Gopal Singh

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5. The applicants' ^{3.} contention is that there should be no ratio for allotment to Type 'D' accommodation as ordered and the Type 'D' accommodation should be allotted only based on the date of entry into service. It is further contended that the impugned circular affects their placement in the priority list for allotment, therefore, the circular issued by the department is bad in law. On the other hand, it was contended by the respondents that the circular has been issued to safe-guard the interest of the direct recruits so that they may not be denied the allotment of the quarter as per their entitlement on account of entering into service later. He has further argued that this being a policy matter cannot be examined by the Tribunal.

6. We have considered the rival contentions. In fact, the impugned circular is a matter of policy regarding allotment of 'D' type of quarter. In our opinion, there is no unreasonableness in fixing the ratio 1:1 for allotment of ~~quarter~~ quarter as per drawal of pay and entry into service. The fixing of ratio rather safe-guards the interest of both type of persons mentioned in the circular regarding allotment of the quarter of the type 'D' as per their entitlement. In absence of the said circular allotment of the quarter to the persons as per their entitlement who may have entered in the service later in time in the grade than the promotees, may be delayed unreasonably and may thus discourage them to continue in service at that place. Therefore, the circular is not liable to be interfered with. The same point came up for consideration in O.A.No. 1545/99 before the Hyderabad Bench of the Central Administrative Tribunal, which was disposed of on 25.4.2000. All the contentions in regard to the rules and other points were considered and after consideration of various points, it was held by that Tribunal that no

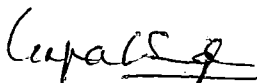
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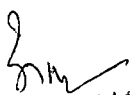
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irregularities were committed by the respondents in fixing the ratio as given in the impugned letter dated 21.1.1999, for allotment of Type 'D' accommodation in the Heavy Water Plant at Manuguru. We do not find any good reason to differ from the same.

7. In that view of the matter, the O.A. is liable to be dismissed for the reasons stated in the judgement in O.A. No. 1545/99 (supra).

8. Accordingly, the O.A. is dismissed. No orders as to cost.


(GOPAL SINGH)
Adm. Member


12/11/2000
(A.K. MISRA)
Judl. Member

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Part II and III destroyed
in my presence on 10-1-07
under the supervision of
section officer () as per
order dated 10-11-06
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Section officer (Record)

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D. G. R.
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