

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 693/99

Date of Decision: 9th March 2000

Shri Om Bahadur Malla and others

Applicant.

Shri Suresh Kumar.

Advocate for  
Applicant.

Versus

Union of India and others

Respondent(s)

Shri R.K.Shetty.

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. S.L.Jain, Member (J)

Hon'ble Shri.

(1) To be referred to the Reporter or not? No.

(2) Whether it needs to be circulated to other Benches of the Tribunal? No.

(3) Library.

No.

(S.L.Jain)  
Member (J)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO: 693/99

the 9<sup>th</sup> day of March 2000

CORAM: Hon'ble Shri S.L.Jain, Member (J)

Om Bahadur Malla

Jaipal Singh

L.G. Nahank

P. Sitharam

Amod Prasad

V.C. Behera

A.D. Bobhate.

All working as Lift Operators  
working under M.E.S.  
Commander Works Engineers,  
Naval Works,  
Dr. Homi Baba Road,  
Navy Nagar, Colaba.

... Applicants.

By Advocate Shri Suresh Kumar

V/s.

1. Union of India through  
The Secretary, Ministry  
of Defence, South Block  
New Delhi.
2. Commander Works Engineers  
Naval Works, Dr. Homi Baba Road,  
Navy Nagar, Colaba, Mumbai.
3. Officer in Charge  
Headquarters, Chief Engineer  
Navy, 26 Assaye Bldg.  
Colaba Mumbai.

... Respondents.

By Advocate Shri R.K. Shetty.

O R D E R

{ Per Shri S.L.Jain, Member (J) }

This is an application under Section 19 of the  
Administrative Tribunals Act 1985 for a direction  
to the respondents to include the names of the  
applicants in the key personnel roster as per the  
letter dated 12.3.1999 for allotment of Type II

S.J.J.

quarters alongwith the relief of restraining the respondents from allotting any new accommodation till the name of the applicants are not included in the key personnel roster maintained and prepared by the respondents for allotment of Type II quarters.

2. Respondent No.3 vide letter dated 12.3.1999 addressed a letter to respondent No.2 where by the letter dated 23.2.1999 was forwarded for necessary action. The said letter contains list of employees categorised as key Personnel for providing accommodation. The applicant belongs to the category of Lift Operators, are included at S.No. 14 of the said letter. About 30 in number new residential accommodation Type II in Navy Nagar area which is ready for allotment, the applicant's union approached the respondents for adding the names of the applicant's category in the key personnel roster prepared by the respondents for allotment of quarters.

3. The applicant's case in brief is that applicant No.1's name is not shown in the seniority list prepared by the respondents for allotment of type II quarters, who had joined the service on 19.5.1972 and his name ought to have shown at S.No. 11(a) of the seniority list prepared by the respondents for allotment of type II quarters. The respondents submits that as per SRO 308 individuals are required to apply for accommodation for consideration of their names in the seniority list for allotment of General Pool accommodation but individual at S1.No. 1 has not applied for, as such his name does not appear in the list. No rejoinder is being filed. Looking to the prayer as stated above no opinion need to be expressed on it.

4. The name of the applicant's category is not included in the seniority for allotment of quarter in the categories of key personnel prepared by the respondents. Otherwise their category would put in great harm and prejudice will be caused to them as many of their junior would be allotted accommodation and they will be left out.

5. The respondents submits that allotment of Type II quarters for Key Personnel are decided by the Station Commander. A comprehensive policy for identification, quantification, allotment and vacation of MES Key Personnel accommodation is already in existence vide Army Headquarters letter dated 15.12.1998 (Exhibit R1). It is further alleged that the quantification Board for Key Personnel accommodation has been ordered by the Station Commander under their letter dated WK/1637/IV/61 dated 30.7.1998 (Exhibit R2). The respondents further submits that whether to grant any accommodation to Lift Operators as Key Personnel is concerned, is yet to be decided by the Department and it is not for the applicants or this Tribunal to decide the number of Lift Operators who are to be granted Key Personnel status so far as grant of accommodation is concerned.

6. In para 9 of the written statement it is also assured that newly constructed 30 quarters will be allotted on finalisation of quantification Board which is in progress. Allotment of accommodation will be done to Key Personnel strictly as per quantification of Station Board. In para 11 it is alleged that seniority list of Key Personnel quarters will be drawn on the recommendations of Station Board which is in progress as per laid down policy.

7. The learned counsel for the applicant submits that as the list of category of Key Personnel is dated 23.2.1999 and the Board has been constituted on 30.7.1998, apprehending that their category would not be included or would not be considered. In the circumstances it is observed that the Board (Quantification Board for Key Personnel accommodation) as constituted vide order No. WK/1637/IV/61 dated 30.7.1998 to consider the list of Key Personnel as mentioned in the OA (Exhibit B) in accordance with law. If after consideration the applicants are aggrieved, they may take the remedy as per law. With these observations the OA stands disposed of. No order as to costs.

*S.L.Jain*  
(S.L.Jain)  
Member (J)

NS