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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A. No. 589/92

Date of judgement: 27-12-92

BETWEEN

1. C.S.N. Raju, S/o late
C. B. Appala Raju, aged 42 years
Sr. Foreman, Naval Dock yard,
Visakhapatnam.
2. P.C. Rameshan,
Sr. Foreman, Naval Dockyard,
Visakhapatnam
3. M.K. Nair,
Sr. Foreman,
Naval Dockyard,
Visakhapatnam
4. A. Veeranna,
Sr. Foreman, Naval Dockyard,
Visakhapatnam.
5. V.L.N. Rao,
Naval Dockyard,
Visakhapatnam.
6. M. Rama Rao,
Sr. Foreman,
Naval Dockyard,
Visakhapatnam
7. P.T.V. Prasada Raju,
Sr. Foreman,
Naval Dockyard,
Visakhapatnam.
8. P.V. Satyanarayana,
Sr. Foreman,
Naval Dockyard,
Visakhapatnam.

Sr. Foreman,
Naval Dockyard,
Visakhapatnam.

: Applicants

AND

1. The Chief of Naval Staff,
Naval Headquarters,
New Delhi.
2. The Director General
Visakhapatnam.
3. Flag Officer commanding-in-chief,
Headquarters, Eastern Naval
Command, Naval Base,
Visakhapatnam.

: Respondents

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P.J.

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COUNSEL FOR THE APPLICANTS: Shri V. Venkateswara Rao
COUNSEL FOR THE RESPONDENTS : Shri N.R. Devaraj

CORAM

Hon'ble Shri A.B. Gorthi, Member (Admn.)

Hon'ble Shri T. Chandrasekhara Reddy, Member (judl.)

(Judgement of the division bench as delivered by Shri
A.B. Gorthi, Member (Admn.)

9 applicants herein are those whose names were initially included in a roster for allotment of station pool accommodation for the year 1992-93 issued by the Headquarters, Eastern Naval Command, Naval Base, Visakhapatnam. The accommodation to which they were entitled to is Type IV. The respondents allotted the ^{same} to some of those shown in the roster for allotment of accommodation but not to the applicants. In fact, the applicant's names were deleted from the said roster by an order dated 10-6-92. Aggrieved by the same, the applicants have filed this application with a prayer to declare that the applicants are entitled to the allotment of Type IV quarters strictly in accordance with the roster dated 2-4-92.

The applicants are senior foremen of the Naval Dockyard, Visakhapatnam in the scale of pay of Rs. 2375-3500/-. Based on their scale of pay, they are entitled to Type IV accommodation. They accordingly applied for such accommodation and the respondents in turn included their names in the roster for allotment

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of station pool accommodation, Type IV. Later on, due to pressure brought by the officers Association, it was decided by the respondents not to allot accommodation to the applicants, from amongst 16 vacant quarters located in Nirman Park.

The respondents in their reply affidavit have admitted that the applicants are entitled to Type IV accommodation. The contention of the respondents, however, is that the houses built in Nirman Park were earmarked to be allotted to officers, both combatant and civilian. As civilian officers are entitled to 15 per cent of the accommodation out of the officers' accommodation of the Naval Dockyard, 16 quarters in the Nirman Park were kept to be allotted to civilian Gazetted officers. It was on account of the ignorance of the concerned Staff officer (Quartering) that the names of the applicants came to be included in the roster for allotment of Type IV accommodation. The respondents say that if they strictly go by the pay scale only, even a ~~senior~~ Non-commissioned officer or a non-gazetted officer drawing more pay than a newly inducted commissioned or a gazetted officer will also have to be allotted accommodation which is essentially meant for gazetted officers only. The respondents explained at length the administrative difficulties and embarrassment they may be faced with if officials below the officer status are allotted accommodation

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in the colony that is kept for gazetted officers and commissioned officers only. They have, however, categorically stated that no individual below the rank of a gazetted officer has been allotted accommodation in Nirman Park. They also assured that the applicants would be allotted Type IV accommodation in accordance with their seniority outside Nirman Park.

The learned counsel for the applicants vehemently contended that the denial of accommodation to the applicants in Nirman Park on the ground that they are not gazetted officers is discriminatory and violative of Articles 14 & 16 of the Constitution of India. He further contended that the deletion of the names of the applicants from the roster for allotment of accommodation without giving the applicants a prior notice is contrary to the principles of natural justice.

From the material shown to us by the learned counsel for the respondents, it is clear that the Nirman Park Colony was in fact constructed for providing accommodation to officers. The inclusion of the applicants names in the roster for allotment of accommodation meant for gazetted officers is obviously an administrative error. The order under which the applicants names were deleted from the

clarified
roster that the applicants being Technical
Supervisory staff are not entitled for accommodation
from station pool at Nirman Park as per Naval Head-
quarters letter No. WK/2234/QR III dated 12-7-79.
We, therefore, do not see any violation of the
principles of natural justice in this case. On the
question of discrimination, it is not the case of
the respondents that the applicants would not be
allotted the accommodation of the type to which
they are entitled. The respondents case merely is
that the applicants being non-gazetted officers cannot
claim as a matter of right, accommodation that is
built for gazetted officers in a particular colony. The res-
pondents have also clarified that the standing regi-
mental order No. 308 lays down only the details of the
types of accommodation to which officers are entitled
to with reference to the basic pay drawn by them.
Accordingly, it is the contention of the respondents
that they have not violated any rules concerning
the allotment of accommodation by taking the stand
that the applicants would be allotted Type IV accommoda-
tion outside Nirman Park officers colony.

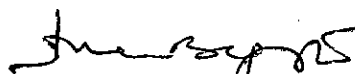
The learned counsel for the applicants alleged
the posts of Chief Draftsmen and drawing lesser pay
than the applicants also figured in the roster dated
2-4-92 and they were allotted accommodation in


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Nirman Park. Refuting this contention Shri N.R. Devaraj, learned counsel for the respondents stated after having obtained instructions from the Department that the 3 employees holding appointment of Chief Draftsmen are, in fact, gazetted officers. We are, therefore, of the considered view that the applicants cannot be said to have been discriminated by the respondents' refusal to allot them accommodation in a colony that is earmarked for gazetted officers only. As the claim of the applicants for Type IV accommodation along with all those who are similarly situated is upheld by the respondents, we do not find that there has been any violation of the concept of equality enshrined in Articles 14 & 16 of the ~~Indian~~ Constitution.

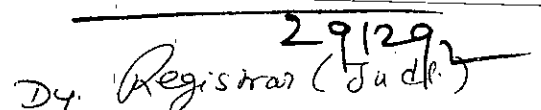
In the result, the applicants contention is rejected and their application is hereby dismissed. There shall be no order as to costs.


(A.B. Gorthi)
Member (Admn.)


(T. Chandrasekhara Reddy)
Member (Judl.)

Dated 28th December, 1992.

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Dy. Registrar (Judl.)

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29/12/92 O.A. 589/92

TYPED BY _____ COMPARED BY _____
CHECKED BY _____ APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR. A.B. GORNI, AM

AND

THE HON'BLE MR. R. BALASUBRAMANIAN; M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY;
MEMBER (J)

AND

THE HON'BLE MR. C.J. ROY : MEMBER (J)

Dated: 28/12/1992

ORDER / JUDGMENT

R.A./C.A./M.A. NO _____

in _____

O.A. No. _____

589/92

T.A. No. _____

(W.P. No. _____)

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

pvm.

