

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 705/94.

Dt. of Decision : 30-9-94.

P. Jafarulla

.. Applicant.

Vs

1. Sr. Superintendent,
VRC for Handicapped,
A.T.I. Campus, Vidyanagar,
Hyderabad-500 007.

2. The Director of Employment Exchanges,
14/11, Jamnagar House, Sahjahan Road,
New Delhi.

3. M.B. warden

.. Respondents.

Counsel for the Applicant : Mr. K.Venkateswara Rao

Counsel for the Respondents : Mr. N.V.Raghava Reddy, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

O.A.No.705/94

Dated: 30.9.1994

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

- - -

The grievance of the applicant is against the respondents' decision to allot Quarter No.4 Type-I which fell vacant in May 1994 and allotting the same to Respondent No.3. The prayer of the applicant is to set aside the order of the respondents allotting the quarters to Respondent No3 and to pass such other orders as are considered appropriate.

2. The applicant was appointed as Vocational Instructor on 17.9.1986 in V.R.C., Hyderabad. In the campus of VRC there are 10 residential quarters comprising of Type-III-2, Type-II- 4, and Type-I - 4 for allotment ~~to~~ of the employees of the VRC. The allotment of the quarters is based on the pay scale of the employees as also their seniority. Though the applicant is senior to Respondent '3' the Type-I ^{quarter} that fell vacant in May 1994 was allotted to Respondent No.3 out of turn. He ~~is~~ represented against the alleged injustice done to him vide his letter dt. 5.5.94 addressed to the Director of Employment Exchange, (Respondent No.2) but without any success.

3. The official respondents in their reply affidavit have not disputed the facts averred in the application. They have however clarified that Type-I quarters are meant for Group 'D' employees and that these are allotted based on the pay scale of the official concerned as also his seniority. The respondents further asserted that the

L

.. 3 ..

allotment of the quarters was being done on the basis of a communal roster ^{and that the} ~~under which for~~ Type-I accommodation ~~and that the quarters~~ that fell vacant in May 1994 fell to be allotted under the 10th point. Accordingly the same ^{was} ~~is~~ allotted to Respondent No.3 who belongs to SC.

4. Heard learned counsel for both the parties. Our attention has been drawn to letter No.DGET-74(8)/76-TA, dated 30.6.1978 from the Director of Training D.G.E & T., New Delhi. The said letter directs that ~~maintained~~ wherein every 20th point in Type-III and IV accommodation and every 10th point in the Type - I and II accommodation will be reserved ^{for SC/ST.} 2

5. There is no dispute that the Type-I quarter that fell vacant in May 1994 is meant for a Group 'D' employee in the pay scale of Rs.750-949/-. We see from the staff list annexed as A-2 to the OA that there are a number of Group 'D' employees among the staff of VRC. The allotment of Type-I quarter to a person who is not entitled to it, such as Respondent No.3 ^{or} ~~the~~ applicant is not PER-SE proper. The accommodation should be first offered to the eligible Group 'D' employee. In case no Group 'D' ^{employee} is willing to accept the accommodation, then only the question of offering the accommodation to a Group-III officer such as the applicant ~~is~~ would arise.

6. From the DGET letter dt. 30.6.78 what is clearly discernible is that communal roster should be maintained separately for each type of accommodation. There cannot be a single communal roster for allotment to all types of accommodation as is sought to be done by the respondents.

Copy to :-


1. Sr. Superintendent, VRC for Handicapped, A.T.I. Campus, Vidyanagar, Hyderabad-007.
2. The Director of Employment Exchanges, 14/11, Jamnagar House, Sahjahan road, New Delhi.
3. One copy to Sri. K.Venkateswara Rao, advocate, CAT, Hyd.
4. One copy to Sri. M.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

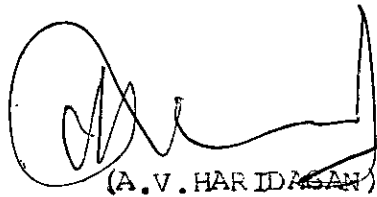
Rsm/-

7. Though notice has been served upon Respondent No.3 and sufficient opportunity is given to him, he is not represented before us nor any reply has been filed on his behalf. It is apparent that the allotment of Type-I quarter to Respondent No.3 is not supported by any of the instructions shown to us. We have no hesitation in holding that the said allotment is irregular. In the result we dispose of this application with the following directions:-

1. The allotment of Type-I quarter to respondent No.3 is hereby set aside.
2. The respondents are directed to consider ^L ~~in~~ allotting the said quarters to ^{an} eligible Group 'D' employee in the first instance.
3. Only if and when none of the Group 'D' employees is willing to accept the said quarters the same may ^{as per extant instructions} be offered [^] to the seniormost Group 'C' employee who is willing to accept the same.

8. The respondents may comply with this order within a period of 2 months from the date of receipt of the same. The O.A. is ordered accordingly without any order as to costs.

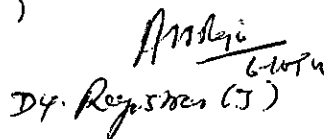

(A.B. GORTHI)
Member (Admn.)


(A.V. HARIDASAN)
Member (Judl.)

Dated: 30th September, 1994

(Dictated in Open Court)

sd


Dy. Registrar (J)

contd.. 5/-

OA-70544

Typed by

Compared by

Checked by

Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDYAN : MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(A)

Dated: 30/9/94

ORDER/JUDGMENT.

M.A./R.P/C.P/No.

D.A.NO.

T.A.NO.

IN

70544

(W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

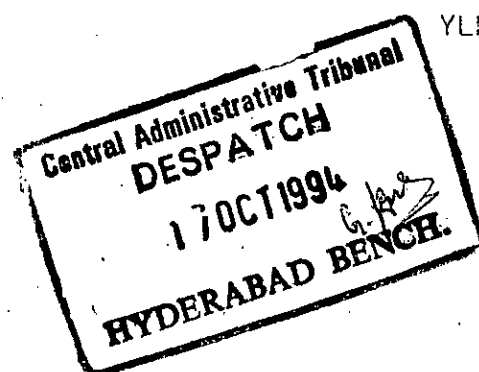
Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

NO SPARE COPY



YLKR

2