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Court : Chennai

Decided On : Nov-26-1984

Reported in : AIR1986Mad1

Judge : Ramanujam and ;Ratnam, JJ.

Acts : [Constitution of India](#) - Article 14

Appeal No. : W.A. No. 125 of 1978

Appellant : T.V.S. Sarma

Respondent : Accommodation Controller, Madras and ors.

Advocate for Def. : C. Chinnaswami, Addl. Govt. Pleader and ;K. Doraiswami, Adv.

Advocate for Pet/Ap. : M.N. Krishna Mani, Adv.

Judgement :

Ramanujam, J.

1. In this appeal, the correctness of the decision of Mohan, J. in W.P. 496 of 1978 has been questioned by the appellant. The appellant was a Central Government Employee and he was given accommodation by the Accommodation Controller. Subsequently the owner of the premises, which was allotted to the appellant,

applied for the release of the building on various grounds. The grounds urged by the owner of the premises were found tenable by the Accommodation Controller and he passed an order releasing the building and calling upon the petitioner appellant to vacate the premises occupied by him in pursuance of the order of allotment made by the Accommodation Controller. Thereafter the appellant approached the Accommodation Controller with a request for alternative accommodation. That was rejected on the basis of an order of the Government in G.O.Ms. No. 1711 dated 16th July 1976, by which the Government had changed the priority in the allotment of the buildings by the Accommodation Controller and had excluded the Central Government servants, being allotted houses for accommodation on a priority basis. The appellant thereafter filed representations to the Accommodation Controller. All of them had been rejected by the order of the Accommodation Controller earlier dated 8-11-1977 and later on by the Government on 12-12-1977. Thereafter the appellant filed the above writ petition before this Court seeking a writ of certified Mandamus quashing the order of the Accommodation Controller dated 8-11-1977 and the Government dated 12-12-1977 and to direct the respondents to consider the request of the appellant herein for alternative accommodation. The said writ petition having been dismissed by Mohan, J. the appellant is before us.

2.The learned counsel appearing for the appellant mainly contends that the appellant's request for alternative accommodation should not have been considered on the basis of the priorities laid down in G.O.Ms. No. 1711 dated 16th July 1976, as the said Government Order violates Art. 14 of the Constitution for there is hostile discrimination towards the Central Government employees when compared with State Government employees, According to the learned counsel for the appellant; the said Government Order provides certain priorities in the allotment of houses by the Accommodation Controller and highest authority is given in the allotment of houses by the Accommodation Controller to the following categories:

(a) Evicted officials; (b) Transferred officials; (c) Newly married officials; (d) Newly appointed officials (e) Officials holding special permission granted by Government; and (f) Officials who apply for alternative accommodation; and a Central

Government employee, who has been directed to vacate the accommodation provided by the Accommodation Controller, on account of the release of the accommodation to the owners, will not be considered as being entitled to the said highest priority and the distinction made between the Central Government employees and the State Government employees in this regard cannot legally be supported. It is also pointed out by the learned counsel for the appellant that the said Government Order in so far as it excludes the Central Government employees from claiming priority in getting accommodation in cases where they are evicted from the premises on the order of release being passed in respect of the premises, offends Sec. 3(3) of the Act, which provides for the allotment of housing accommodation to both the State and Central Government employees alike. We are of the view that the above contentions urged by the learned counsel for the appellant cannot be accepted as tenable.

3. It is no doubt true that S. 3(3) contemplates accommodation being provided to the State and Central Government employees. In this case, the appellant, who is a Central Government employee and who has been asked to vacate the building allotted to him on the release of the building at the instance of the owner, has not been denied the benefit of S. 3. However, he has not been considered for the priority in allotment and preference is given only to the State Government employees, who have been evicted from the premises allotted to them on the release of the building at the instance of the owners. While dealing with the priority in allotment, in the nature of things, the State Government is under an obligation to see that their employees are properly housed and has to give priority to their employees in the matter of allotment of housing accommodation especially when such employees are under orders of eviction. Therefore, the classification in the matter of grant of priorities between State Government employees and the Central Government employees should be taken to have a rational nexus with the object sought to be achieved by the Act, i.e. providing accommodation to the employees of the Government. If persons referred to as priority categories are not available, then both the Central Government and State Government employees, who are under orders of eviction, will be treated alike in the matter of allotment.

4. Learned counsel for the appellant then contends that in the matter of Central Government employees, who have been directed to vacate an accommodation provided to them under earlier orders of allotment are given maximum period of four months without any further extension, and this shows a hostile treatment towards Central Government employees. But we find from the said Government Order that both the Central Government employees and the State Government employees are treated alike in the matter of grant of time for eviction. Therefore, we are not in a position to agree with the learned counsel for the appellant that a Central Government employee who has been evicted from the premises allotted to him is disabled from getting any accommodation through the Accommodation Controller in future. What is denied to them is only the preferential treatment. Having regard to the scarcity of accommodation in the City of Madras and the moral obligation on the part of the State Government to provide housing accommodation to their employees, it is open to the State Government to say that the Central Government employees will not be considered as evicted officials and given priority in the matter of allotment. The Government Order Ms. No. 1711 dated 16th July 1976, which is attacked before us, deals with the priority in allotment and it does not deny the appellant's right to apply for alternative accommodation in the regular course without reference to the priority. In this view of the matter, we do not see any substance in any of the contentions advanced by the learned counsel for the appellant. The writ appeal is therefore dismissed and there will be no order as to costs.

5. Appeal dismissed.