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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 23rd DAY OF FEBRUARY 1998

BEFORE

THE HON'BLE MR.JUSTICE TIRATH S.THAKUR

WRIT PETITION No.29722/97

Between:

Sri.M.Mani,  
aged 47 years,  
s/o late P.N.Muthu,  
Head Clerk,  
Kendriya Vidyalaya,  
I.I.Sc.  
Bangalore-560 012.

... PETITIONER

(By Sri.M.S.Nagaraja, Adv)

And:

1.Principal,  
Kendriya Vidyalaya,  
I.I.Sc.Bangalore-12.

2.Principal,  
Kendriya Vidyalaya,  
ASC (S), Victorial Road,  
Bangalore-560 047.

3.Commissioner,  
Kendriya Vidyalaya Sanghatan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-110 016.

... RESPONDENTS

(By Sri.V.Mukunda Menon, Adv for R1 to 3)

This petition is filed under article 226 of the Constitution of India praying to quash vide Annex.F dt.8.9.97 allotting the staff quarters presently occupied by the petitioner to another person and etc.,

This petition coming on for hearing this day, the Court made the following:

O R D E R

The petitioner is working as a head clerk

in the Kendriya Vidyalaya, ASC Center. As an employee of the said institution, he was allotted residential accommodation in terms of an allotment order which specifically provided that the license created in his favour would cease on his retirement or on his transfer to another Kendriya Vidyalaya. The petitioner was transferred from the Kendriya Vidyalaya, ASC Centre to Kendriya Vidyalaya, I.I.Sc. on 5.6.96. He was in terms of the rules entitled to occupy the quarters for a period of two months after his transfer on the expiry of which period he was advised by the Principal by Annexure-A dt.4.7.97 to vacate the same to avoid disciplinary action. The petitioner it appears persisted in his unauthorised occupation and failed to vacate the premises eventually leading to the issue of an order dt.8.9.97 asking him to do so since the same was now allotted to one Sri.J.S.Rawat, PGT(Geo) of the said Vidyalaya. Aggrieved by the said order, the petitioner has come up with the present writ petition for a certiorari and for a direction commanding the respondents not to take any disciplinary action against the petitioner on the basis of his continued occupation of the quarter in question.

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2.I have heard counsel for the petitioner and Mr.Menon who appears for the respondent.

3.It is not in dispute that the allotment of the quarter in question was to remain valid only till such time the petitioner remained posted in the Kendriya Vidyalaya, ASC Centre, Bangalore. Although the petitioner has not produced a copy of the order yet the terms of allotment have been referred to by the Principal of the said Vidyalaya in his letter dt.5.8.97 Annexure-C to the writ petition. Counsel for the petitioner also did not dispute the fact that the allotment was to remain in force only till such time the licensee was in service or till he was transferred to any other Kendriya Vidyalaya. His argument however was that the expression 'transfer to any other Kendriya Vidyalaya' appearing in the allotment order and communication of the Principal dt.5.8.97 must be understood as a transfer outside the city of Bangalore and not a transfer to any Kendriya Vidyalaya within the city. He urged that the said expression needs to be given a meaning favourable to the employee so that any such transfer should oblige him to vacate the premises only if the same is outside the city of Bangalore.

4. Mr. Menon, counsel for the respondent on the other hand submitted that each one of these institutions although under the overall control of Kendriya Vidyalaya Sangathan of the Ministry of Education have been provided with separate accommodation for their teaching staff and that the said accommodation is meant to be allotted and used only by the staff of the particular vidyalaya with which such accommodation is attached. The scheme of the rules, it was contended does not envisage an employee serving in one vidyalaya occupying accommodation attached to another vidyalaya. There is substance in this submission. The petitioner has not produced any material before me to show that the accommodation available to Kendriya Vidyalayas is pooled so that the same may be allotted to employees serving in all such vidyalayas irrespective of their places of posting. If the accommodation attached to Kendriya Vidyalaya, ASC Centre is meant for the staff of the said vidyalaya, I see no reason how an employee who has been transferred out from the said institution can continue to claim any right over such accommodation only because he is serving in a similar vidyalaya under the control of the sangathan. Nor is there any justification

for giving to the expression Transfer to any other Vidyalaya an artificial or an extravagantly wide interpretation as the one suggested by the petitioner. The petitioner was transferred in June 1996. He has already delayed the vacation of the quarter for nearly two years, to the prejudice of the person who has now been allotted the said quarter and who is admittedly serving in the Kendriya Vidyalaya, ASC Centre. There is no merit in this writ petition which fails and is hereby dismissed, No costs.

Sd/-  
JUDGE

jm/-