

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.20195 OF 2012

Date: 24.09.2018

Between:

S.Krishna Jetty s/o. S.Hanuma Jetty, Aged about 59 years,
Occu: presently working as Key Board Operator, TTD Press,
R/o. Tirupati, Chittoor district and others.

.....Petitioners

and

Tirumala Tirupati Devasthanams, rep.by its Executive
Officer, Tirupati, Chittoor district and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioners are all employees of respondent - Devasthanam working in various categories of posts. Petitioners are aggrieved by the action of respondents in not including their names in the list of employees for allotment of house sites by the respondents pursuant to the Trust Board Resolution dated 26/27.08.1993. According to petitioners, their names are not included in the list of employees, for whom the house sites were allotted under "Own Your House scheme", merely on the ground that they earlier availed house building loans from the Devasthanam.

2. According to learned counsel for petitioners, the very same issue was considered by this Court in W.P.No.19866 of 2008. In the said case also, petitioners were denied consideration under the scheme on the ground that petitioners therein availed house building loan. The contention on behalf of Devasthanam that employees, who have availed house building loan, constitute a separate class and they are not included in the scheme is negatived and directions were issued to consider the claim of petitioners for allotment of house sites under the said scheme.

3. In the counter-affidavit filed on behalf of respondent - Devasthanam, the same stand is taken, which was the stand negatived by this Court. It is also appropriate to note that aggrieved by the decision in the said writ petition, Writ Appeal No.374 of 2009 was filed by the respondent Devasthanam, but the said appeal was dismissed by order dated 25.09.2009.

4. However, it is stated in the counter-affidavit that even to the petitioners in the earlier writ petition house sites were not granted.

5. Court is not considering the issue as to whether petitioners can be allotted house site pattas *per se*, but Court is only concerned with the issue as to whether claim of petitioners for consideration of house site pattas can be rejected merely on the ground that petitioners earlier availed house building loan. In view of the decision of this Court in W.P.No.19866 of 2008, upheld by the Division Bench in W.A.No.374 of 2009, it is not open to respondent Devasthanam to ignore consideration of claim of petitioners on that ground. Thus, Writ Petition is allowed holding that action of respondents in not considering the applications of petitioners for allotment of house site pattas under 'Own Your House Scheme' on the ground that petitioners earlier availed house building loan as illegal and respondents are directed to consider the claim of petitioners for allotment of house sites under the said scheme if the same scheme subsisting and petitioners are otherwise eligible for allotment of house site pattas. Pending miscellaneous petitions shall stand closed.

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