

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.3847 of 2009

ORDER:

This writ petition is filed to declare the action of the respondents in not extending the benefit of 'own your house' scheme on the ground that the petitioners have availed house building loan, as illegal, arbitrary and consequently direct the respondents to consider the cases of the petitioners for allotment of house sites on the basis of seniority.

The case of the petitioners is that they are the employees of Tirumala Tirupati Devasthanam and are working in various capacities in the Devasthanam; the respondent-Devasthanam have framed a policy for providing house sites to the employees working in the Devasthanam and the scheme is known as 'own your house'; the house sites are allotted to the eligible employees on the basis of seniority, subject to the availability of plots; one of the clauses contained in the scheme is that such of those employees who have availed house building loan from the Devasthanam or those who have been allotted plots or flats on the earlier occasion would not be entitled for the benefit under the new scheme; that insofar as the petitioners are concerned, the petitioners were not allotted plots or flats on the earlier occasion by the Devasthanam but have availed the facility of House Building loan; that on the ground that the petitioners have availed house building loan, the claim of the petitioners is not being considered for providing house sites; the petitioners are similarly situated and are entitled for the same benefit.

The petitioners filed WP MP No.13741 of 2014 in the present writ petition stating that in similar facts and circumstances, this Court vide order dated 27.11.2008 in WP No.19866 of 2008 directed the respondents to consider the cases of the petitioners for allotment of house sites, along with other employees, without disqualifying them on the ground that they have been extended the house building loan; challenging the said orders of the learned Single Judge of this Court, the respondent-Devasthanam filed writ appeal i.e., WA No.374 of 2009 and the Division Bench of this Court dismissed the said appeal on 24.09.2009 confirming the order of the learned Single Judge passed in WP No.19866 of 2008; similarly situated employees of the respondent-Devasthanam were also filed WP MP No.25899 of 2012 in WP No.20195 of 2012 and WP MP No.27588 of 2013 in WP No.22494 of 2013, wherein this Court passed the following order:

“In the light of the interim orders granted in an identical WP No.2535 of 2012, there shall be a direction to the respondent-Devasthanam to consider the case of the petitioners for allotment of house sites without disqualifying them on the ground that they were extended house building loans.”

Learned counsel for the petitioners submits that the case of the petitioners is also squarely covered by the orders of this Court in WP No.19866 of 2008, which became final as the appeal filed by the respondent-Devasthanam in WA No.374 of 2009 was dismissed by this Court vide judgment dated 24.09.2009 and also the interim orders passed by this Court referred to above. Learned standing counsel for the respondent-Devasthanam also fairly accepted the same.

In view of the facts and circumstances of the case, this Writ Petition is allowed on the same and similar terms stated in WP

No.19866 of 2008 dated 27.11.2008 i.e., directing the respondent-Devasthanam to consider the case of the petitioners for allotment of house sites, along with other employees, without disqualifying them on the ground that they have been extended the house building loan. There shall be no order as to costs. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 11.12.2018
BSS

KONGARA VIJAYA LAKSHMI, J

