



ABSTRACT

Housing – Tamil Nadu Government Servants Rental Housing Scheme – Improvement of service conditions of courts staff in Tamil Nadu – As part of the implementation of Shetty Commission - Reservation of 15% of Rental Quarters in each type of accommodation in each scheme to the Judicial Staff of High Court and Subordinate Courts under Tamil Nadu Government Servants Rental Housing Scheme - Orders - Issued.

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Housing and Urban Development (HB3(1)) Department

G.O.(Ms)No.202

Dated: 23.12.2016

**சூன்முகி வருடம், மார்ச்சு 8,
திருவள்ளூர் ஆண்டு 2047.**

Read:

1. G.O.(Ms.)No.730, Home (Courts-V) Department, dated 18.08.2006.
2. G.O.(Ms.)No.40, Home (Courts-V) Department, dated 11.01.2008.
3. G.O.(Ms.)No.761, Home (Courts-V) Department, dated 10.07.2008.
4. Orders of the Supreme Court dated 15.07.2008 in IA Nos.71-A, 135-136, 137-138 and 142 in WP (C) No.1022/1989.
5. Order of High Court dated 08.01.2016 in W.P.No.24603 of 2010.

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ORDER:

The Shetty Commission was constituted with specific terms inter-alia to examine the Service Conditions of the Judicial Officers in the Subordinate Judiciary of the State and Union Territories. The Supreme Court of India in its order dated 07.01.1998, directed the Commission to examine the existing service conditions of the Court Staff in each State and Union Territory and to make a report to the Court about the steps, if any, to be taken for the improvement of such service conditions.

2. The Commission made various recommendations which included recommendations (a) generally applicable to the judiciary across the country (b) recommendations specific to the State and (c) miscellaneous recommendations. The Government of Tamil Nadu in Home department has issued various G.O.s to the effect of taking action upon the recommendations of the Shetty Commission (1st National Judicial Commission) specific to the Tamil Nadu as well as miscellaneous

recommendations including the Government Order 1st, 2nd and 3rd read above. In the said report of the commission, Chapter XVII deals with miscellaneous and Chapter XVIII deals with recommendations relating to Tamil Nadu. Reservation of housing has been discussed under miscellaneous recommendations in Chapter XVII.

3. The General Secretary, Tamil Nadu Judicial Ministerial Officers' Association filed W.P.No.24603/2010 seeking direction to the State Government to implement the recommendations of the Commission which were not complied with in entirety based upon the orders of the Supreme Court 4th read above.

4. The Hon'ble High Court of Madras in its order 5th read above has pronounced that though the Shetty Commission had recommended 15% of the accommodation to be reserved for the judicial staff, they were not insistent on the figure only because the idea is not to keep accommodation vacant. Further it has been pronounced that it is not as if any special treatment has to be given to the judiciary, but that at least 15% of such accommodation in priority, housing areas should be given to the judiciary and if those many flats are not vacant at present, necessary arrangements have to be made for all vacant accommodation in these areas as and when they arise, to be allotted only to the judiciary till such time as the 15% parameter is reached and as far as the new construction of the Government to be built is concerned, there is no timeline given and all that is stated is that the request will be considered as and when the construction of new houses is completed.

5. The Government after careful examination of the above reports of the Shetty Commission and the order of the Supreme Court in light of the order of Hon'ble High Court as extracted in para 4 above, have decided to reserve 15% of the Tamil Nadu Government Servants Rental Housing quarters in each type of accommodation in each scheme in Chennai City and Moffusil areas for the judicial staff subject to the following conditions and issue orders accordingly:-

- (i) The powers for issuing allotment order is being delegated to the administrative side of the Court for the above reserved 15% Government rental quarters to the Staff of the High Court and Subordinate Court. The court may fix authority then and there to issue allotment orders directly to the staff of the High Court and Subordinate Courts and the same may be communicated to the Tamil Nadu Housing Board.
- (ii) The Managing Director, Tamil Nadu Housing Board may ensure from time to time that the reservation limit of 15% is not breached. In this regard he should maintain a separate register of allotment to the judicial staff scheme-wise, type wise and carryout a monthly reconciliation of the number of judicial allottees residing in each scheme vis-a-vis number of Government rental houses which can be allotted to the judicial staff as per 15% reservation.
- (iii) While making allotment of Tamil Nadu Government Servants' Rental Quarters to the Judicial Staff in any scheme, number of judicial staff already residing in the said scheme has also to be considered while calculating the quota of 15% houses to be allotted to the judicial staff.

- (iv) that under any scheme, if no application is pending from judicial staff requesting rental allotment, vacancy shall be filled by making allotment to other Department staff even though 15% of the accommodation under the scheme has not been saturated with allotment to the judicial staff.
- (v) If a judicial staff makes an application for allotment in any scheme where reservation of 15% accommodation has not been filled with the judicial staff, his application will be considered for allotment at the arising of the first vacancy under the said scheme.
- (vi) The Government have issued guidelines in G.O.(D).No.203, Housing and Urban Development Department, dated. 28.04.1994 for allotment of the vacant tenements under Tamil Nadu Government Servants Rental Housing Schemes on rotation basis. The same may be continued for 85% of the rental houses to be allotted to rest of the Government staff after reserving 15% for the Judicial Staff.
- (vii) As regards the allotment to the other Government Staff, seniority should be followed strictly. In no circumstances, the roaster should be jumped for allotment through discretionary quota in the next roaster when the earlier roaster has not yet been fully exhausted.
- (viii) Reservation of 15% in Government rental housing schemes for the Judicial Staff will not be applicable to SAF Games Village rental housing scheme, Taylors Road rental housing scheme and Government Estates rental housing scheme, since these schemes are earmarked only for All India Service Officers.

6. The Managing Director, Tamil Nadu Housing Board is requested to take action accordingly.

(BY ORDER OF THE GOVERNOR)

**DHARMENDRA PRATAP YADAV,
SECRETARY TO GOVERNMENT**

To
The Managing Director,
Tamil Nadu Housing Board,
Chennai-35.
The Registrar,
High Court of Madras,
Chennai-104.
The General Secretary,
Tamil Nadu Judicial Ministerial Officers' Association,
High Court of Madras,
Chennai -104.

Copy to:
Office of Hon'ble Chief Minister,
Chennai-9.