

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

QA No. 579/95

New Delhi, this 11th day of May, 1999

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

Bal Mukund Gupta
18/5, Railway Colony
Daya Basti, Delhi-35 .. Applicant

(By Dr. K.E. Moses, Advocate)

VERSUS

Union of India, through

1. General Manager
 Northern Railway, Baroda House
 New Delhi

2. Divisional Railway Manager
 Northern Railway
 Chelsford Road, New Delhi

Respondents

(By Shri R.L. Dhawan, Advocate)

ORDER

Hon'ble Shri S.P. Biswas

The applicant is before us in a fourth round of litigation seeking similar reliefs claimed by him earlier.

Applicant, who retired from service on 31.12.93 as Shunting Master, earlier had filed an OA No.405/95 seeking regularisation of the quarter No.18/5, Railway Colony, Dayabasti in the name of his son on latter's compassionate appointment. That OA was dismissed by an order dated 1.12.95. It was followed by another OA No.2153/98 seeking similar relief, which was disposed of on 9.11.98 with a direction to the respondents to examine applicant's case with the light of rules and instructions on the subject. He preferred CP

(b)

No.60/99 which was dismissed by an order dated 1.3.99 granting liberty to him to file fresh OA if so advised. He is, thus, before us with the present OA assailing Annexure A-6 order dated 15.1.99 by which he has been asked to vacate the premises within 15 days from the date of publication of that order issued under PPE Act, 1971.

3. Respondents have opposed the claim in their reply stating that the applicant was allowed to retain the quarter upto 31.8.94, after which he failed to vacate. That a notice was issued to the applicant on 15.11.94. Through an inspection alongwith office bearers of Railway Unions, the respondents found the applicant was in unauthorised occupation in that quarter in the manner that his son was running a shop and also had allegedly constructed three jhuggies outside the quarter which were sub-let to outsiders for monetary benefits. Eviction proceedings against the applicant were started before the Estates Officer/DRM Office, Northern Railway. The case of the applicant was considered by the competent authority and applicant was informed accordingly on 8.12.98 rejecting his request for regularisation of the quarter in the name of his son.

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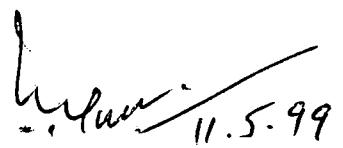
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4. We find that the applicant has reiterated all the aforesaid averments made by him in his earlier OAs/CP which were considered by this Tribunal before giving its orders as stated above. The plea of the learned counsel for the applicant that a favourable order was passed by the respondents in respect of somebody and that similar benefit should be extended to him is not tenable because of the settled position of law on the subject in the case of Chandigarh Admn. & Anr. v. Jagjit Singh & Anr. etc. JT 1995 (1) 445 decided by the apex court, wherein it was held as under:

"The mere fact that the respondent authority has passed a particular order in the case of another person similarly situated can never be ground for issuing a writ in favour of the petitioner on the plea of discrimination. The order in favour of the other person might be legal and valid or it might not be. That has to be investigated first before it can be directed to be followed in the case of the petitioner. If the order in favour of the other person is found to be illegal or not warranted in the facts and circumstances of his case, it is obvious that such illegal or unwarranted orders cannot be made the basis of issuing a writ compelling the respondent authority to repeat the illegality or to pass another unwarranted order".

5. In view of the detailed discussions aforesaid, we find the present OA is devoid of merits. We accordingly dismiss the same. There shall be no order to costs.


(S.P. Biswas)
Member (A)


11.5.99
(T.N. Bhat)
Member (J)