

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

O.A. No. 1776/89  
T.A. No.

199

DATE OF DECISION 3.5.1991.

Shri Husan Singh	<del>Petitioner</del> Applicant
In person	Advocate for the <del>Petitioner(s)</del> Applicant
Versus	
Dy. Commissioner of Police, Delhi	Respondent
Smt. Avnish Ahlawat	Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? */ NO*
4. Whether it needs to be circulated to other Benches of the Tribunal? */*

(Judgement of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice-Chairman)

The applicant, who is working as a Sub-Inspector in the Delhi Police, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that the respondents be directed to pay to him House Rent Allowance (H.R.A.) without production of rent receipts for the period from 1.11.1973 to 31.1.1978. The applicant has relied upon the judgement of the Full Bench of this Tribunal dated 7.9.1988 in TA-776/85 (Mahar Ram & Ors. Vs. Union of India & Ors. - CW-490/82).

2. The question whether the personnel of the Delhi Police drawing pay not exceeding Rs.750/- per month, were

entitled to payment of House Rent Allowance without production of rent receipt during the period from 1.11.1973 to 31.1.1978, was decided by a Full Bench of this Tribunal in Mahar Ram & Others Vs. Union of India & Others, mentioned above. By judgement dated 7.9.1988, the Full Bench concluded that there is no reason as to why in case of persons who are entitled to rent-free accommodation and are not drawing pay exceeding Rs.750/- p.m., they should be required to produce rent receipt for drawing House Rent Allowance when the limit of entitlement after taking into account the amount payable in ~~the~~ <sup>a</sup> case of employees not entitled for rent-free accommodation, is the same as in the case of corresponding Central Government employees. The Full Bench held that any such discrimination would be arbitrary and violative of Articles 14 and 16 of the Constitution. Accordingly, the Full Bench allowed TA-776/86 with the direction that the petitioners therein shall be paid House Rent Allowance without production of rent receipts for the period from 1.11.1973 to 31.1.1978.

3. The applicant is seeking the same benefit as the petitioners in TA-776/85, mentioned above. The respondents have not given the same benefit to him. The respondents

*a*

have stated in their counter-affidavit that they have taken up the matter with the Government of India, who, however, have not agreed to the request.

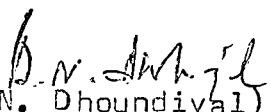
4. We have carefully gone through the records of the case and have considered the rival contentions. We are of the opinion that the decision of this Tribunal dated 7.9.1988 in the case of Mahar Ram & Others will apply to the ~~xxx~~<sup>a</sup> applicant before us also. In a catena of decisions, the Supreme Court, the High Courts and this Tribunal have held that persons who are otherwise similarly situated, would be entitled to similar treatment and the fact that they have not approached the Court, should not place them at a disadvantage (vide John Lucas Vs. Additional Mechanical Engineer, 1987(3) A.T.C. 328; Dharam Pal & Others Vs. Union of India & Others, 1988 (6) A.T.C. 396 at 402; A.K. Khanna Vs. Union of India & Others A.T.R. 1988 (2) C.A.T. 518; and Prof. C.D. Tase Vs. University of Bombay, J.T. 1989(1) S.C. 364).


5. In the light of the foregoing, we allow the present application and direct the respondents to extend the benefit of the judgement dated 7.9.1988 of this Tribunal in Mahar Ram & Others Vs. Union of India &

*a*

Others to the applicant in the present application also. We hold that he would be entitled to payment of House Rent Allowance without production of rent receipt during the period from 1.11.1973 to 31.1.1978, as was held by the Full Bench of this Tribunal in the case of Mahar Ram & Others. This order shall be complied with within a period of one month from the date of its receipt by the respondents.

There will be no order as to costs.

  
(B.N. Dhoundiyal)  
Administrative Member

  
(P.K. Kartha)  
Vice-Chairman(Judl.)