

In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. Nos:

Date: 22.2.1991.

1. OA-1177/90
2. OA-1564/89

1. Shri Mohender Singh & Ors.) Applicants
2. Shri Durga Prasad & Ors.)

Versus

Delhi Administration through Respondents
the Chief Secretary & Anr.

For the applicants Shri J.P. Verghese,
Counsel

For the respondents Smt. Avnish Ahlawat,
Counsel.

CORAM: Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Mr. M.M. Singh, 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? *yes*

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

The applicants in OA-1177/90 are working as Assistant Sub-Inspectors in the Delhi Police. The applicants in OA-1564/89 are working as Inspectors in Delhi Police. Their grievance is that the benefit of the judgement of this Tribunal dated 7.9.1988 in TA-776/85 (Mahar Ram & Others Vs. Union of India & Others - CW-490/82) has not been extended to them, though they are similarly situated.

2. The question whether the personnel of the Delhi Police having 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 without the limit of entitlement after taking into account the amount payable in the 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. Admittedly, the applicants before us are seeking the same benefit as the petitioners in TA-776/85 which was decided by the Full Bench on 7.9.1988. The respondents, however, did not give the same benefit to the applicants.

4. The respondents 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.

5. 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 two applicants 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).

6. In the light of the foregoing, we allow these applications with the direction that the respondents shall extend the benefit of the judgement dated 7.1.1988 of this Tribunal in Mahar Ram & Others Vs. Union of India & Others (TA-776/85) to the applicants in the present

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applications also. We hold that the applicants would be entitled to payment of House Rent Allowance without production of rent receipt during the period from 1.11.1973 to 31.7.1978, 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 two months from the date of its receipt by the respondents. There will be no order as to costs.

7. Let a copy of this order be placed in both the case files.

M. M. Singh
(M.M. Singh) 22/2/91
Administrative Member

Carved
22-2-91
(P.K. Kartha)
Vice-Chairman(Judl.)