

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. O.A. 1169/92.

DATE OF DECISION: 28th April, 1992.

Mr. R.A. Khan.

... Petitioner.

Versus

Director,
National Zoological Park,
New Delhi.

... Respondent.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. P.C. JAIN, MEMBER(A).

For the Petitioner.

... Kunwar C.M. Khan,
Counsel.

JUDGEMENT (ORAL)

(Hon'ble Mr. Justice V.S. Malimath, Chairman)

The petitioner has, in this case, challenged the order made as per Annexure 'A' dated 3.4.1992 by the Director, National Zoological Park, New Delhi. That order came to be made in the light of the directions issued by the Tribunal in O.A. No. 3040/91 on 13.3.1992. In the said Original Application, the petitioner had challenged the order dated 18.11.91 by which the allotment of the premises to the petitioner was cancelled and he was asked to vacate the same. The same premises was allotted to another person by a subsequent order dated 13.12.1991 in that behalf. The Tribunal after examining the contention of the petitioner dismissed the Original Application and held that the cancellation of the premises allotted to the petitioner is valid and that the allotment of the premises to another person is also valid. However, the Tribunal directed the respondents to consider the application

of the petitioner dated 13.12.1991 for allotment of another premises to him and dispose it of within a period of one month with a speaking order, after having considered any feasible adjustment. They have accordingly passed the impugned order within ^{the} time granted to them. The order is undoubtedly a speaking order in that it has given reasons covering four pages. It was contended by Shri Khan, learned counsel for the petitioner, that principles of natural justice were required to be followed in this case and that the petitioner was not given a personal hearing. This is a case by which an equitable direction having been given by the Tribunal for allotment of another premises, the authority was required to examine the petitioner's request and to pass an appropriate order. This is a case of conferment of privilege and not deprivation of privilege. Hence, the question of not complying with the principles of natural justice did not arise. It is also necessary to point out that the Tribunal in the earlier judgement did not direct a personal hearing to the petitioner. Hence, there is no substance in this contention also. It was further contended that the premises have been allotted to the persons who are not entitled, but are meant for persons of the present status. He, therefore, maintained that this has not been rectified and that the right of the petitioner has been adversely affected. It is necessary to point out that the direction of the Tribunal was an equitable direction to consider the feasibility of the adjustment and to see if the petitioner can also be allotted ^{another} accommodation. None of the

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persons who have been allotted premises were made parties before the Tribunal nor have they been impleaded in the present proceedings. The authorities, having regard to the facts and circumstances of the case, passed an appropriate order that it was not possible to accommodate the petitioner by allotting a suitable premises. This has been done after a very careful examination by the Director, National Zoological Park, New Delhi. He has pointed out that there are persons whose presence near the Zoological Park is very necessary and they must be allotted an appropriate accommodation in the interest of the administration. So far as the work of the petitioner is concerned, it has been noticed that it is not of such a nature to make it imperative to allot the premises to him near the Zoo to enable him to perform his duties satisfactorily. The authority has applied its mind and given its best consideration in the interest of the administration. They have passed a speaking order giving ^{elaborate} reasons. We, therefore, do not find that the order is bad, perverse and unreasonable. We see no good ground to interfere. The application, therefore, fails and is dismissed. No costs.

SRD

P.C. Jain
(P.C. JAIN)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN