

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH. 10

O.A. NO. 1313/93

New Delhi this the 10th day of Feb, 94.

Shri Justice V.S. Malimath, Chairman.

Patti Ram
S/o Shri Ratti Ram,
R/o Qr.No.15/225,
DMS Colony, Hari Nagar,
New Delhi.

... Petitioner.

By Advocate Shri B. Krishan.

Versus

1. Union of India through the
Director of Estates,
Directorate of Estates,
(C) Wing, 4th Floor,
Nirman Bhavan,
New Delhi-11.

2. The General Manager,
Delhi Milk Scheme,
Ministry of Agriculture,
West Patel Nagar,
New Delhi-110008.

... Respondents.

By Advocates Shri P.P. Khurana and Shri Yashvir Singh,
proxy for Shri K.C. Mittal.

ORDER

Shri Justice V.S. Malimath

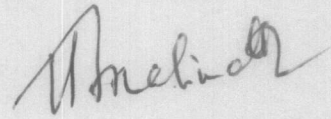
The petitioner was an employee of the Delhi Milk Scheme when he was allotted Government quarter. Subsequently, he got appointed in the Central Government service in the year 1990. He has, however, continued in the quarter allotted to him by the Delhi Milk Scheme. When he was asked to vacate the said quarter by the issuance of impugned notice dated 19.3.1993, he approached this Tribunal with this application and has continued on the strength of the interim order. As the allotment of the quarter was by the petitioner's employer, namely, Delhi Milk Scheme, he having migrated to the Central Government service, ceased to be a member of the Delhi Milk Scheme. Hence, it does not need

11

any argument to say that the petitioner has lost the right to continue in the quarter meant for the employees of the Delhi Milk Scheme. That the petitioner was not given an opportunity of showing cause is not an argument that ^{need} detain me for the reason that there is absolutely no cause which the petitioner has been able to put forward before me. However, the learned counsel for the petitioner relied upon the two decisions of the Tribunal, one of the Division Bench rendered in O.A. 2801/92 between C.P. Singh Vs. Union of India & another and another by Single Member in O.A. 577/92 between Ram Kanwar Vs. Union of India & Anr. Neither of these decisions lays down any proposition of law which can be pressed into service as a precedent for being followed by me. It is only having regard to the facts and circumstances of the case that certain equitable directions have been issued and not in recognition of any enforceable rights. Hence, those directions will not be of any assistance. So far as the equity is concerned, the petitioner's case is that he having come to the Central Government service, had applied for allotment of the particular quarter and under the policy of the Government it should be possible for the authorities to allot one type lower than his entitlement. These are enabling provisions. The essential question in regard to allotment of quarter is firstly availability of accommodation and secondly the priorities. Hence, in my opinion, it would not be proper normally to issue a mandamus to allot a particular quarter or quarter of a particular type even if I am satisfied that there are equitable circumstances justifying consideration. The petitioner has already stayed for quite long and in the accommodation to process deprived/an employee of the Delhi Milk Scheme. Be

that as it may, accommodation problem being a very human and pressing problem having regard to the circumstances of the case, I consider it appropriate to direct the respondents to consider the case of the petitioner for allotment of a suitable quarter with utmost expedition taking into consideration all relevant factors.

2. For the reasons stated above, this application is dismissed granting three month's time to the petitioner to vacate the quarter. The respondents are directed to consider the claim of the petitioner, having regard to the facts and circumstances of the case, for allotment of suitable quarter with utmost expedition under the General Pool. It is obvious that so far as the damages are concerned, the respondents are entitled to recover the same in accordance with law. No costs.



(V.S. MALIMATH)
CHAIRMAN

'SRD'
101094