

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 2294/93

New Delhi this the 10th day of February, 1994.

Shri Justice V.S. Malimath, Chairman.

Lal Chand
S/o Shri Baisakhi Ram,
Qr. No.11/151, DMS Colony,
Hari Nagar,
New Delhi.

... Petitioner.

By Advocate Shri B. Krishan.

Versus

1. Union of India through
Director of Estates,
Directorate of Estates,
Nirman Bhavan,
New Delhi-11.

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

... Respondents.

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

O R D E R

Shri Justice V.S. Malimath

This case is similar to O.A. NO. 2073/93 which I have just now disposed of. The petitioner was also an employee of the Delhi Milk Scheme. He has also lost his right to continue in the premises allotted by the Delhi Milk Scheme on his ceasing to be a member of that service. Hence, he cannot complain about the action taken by the said authorities. So far as his claim for allotment by the Central Government agencies, is concerned, he has asserted that he applied for allotment of accommodation in the prescribed form on 4.2.1993 and that the same had been served on the first respondent. It is his case that no action has been taken in that behalf. The petitioner has also stated in his application in paragraph 4.12

that in several similar applications relief has been granted by the Tribunal and that in O.A. 2341/92 the allotment has been made even during the pendency of the proceedings. It is in this background that it was contended that the petitioner should not be discriminated against and that he should be allotted the quarter likewise. The decision in regard to allotment has to be made on the facts of each case. If an arbitrary action has been taken in one case, it does not mean that similar arbitrary action should be directed to be taken in other cases as well. That is not the real content of Article 14 of the Constitution. Hence, I would not be justified in calling upon the respondents to take similar arbitrary action in the case of the petitioner as well. However, in law the petitioner is entitled to due consideration in accordance with the relevant rules and instructions. As no order has been made on the petitioner's application for allotment of the quarter, it is not possible to say as to whether the petitioner would have been allotted accommodation if his application was examined on merit in accordance with the relevant orders and instructions on the point. In this background, I consider it appropriate to issue the following directions:

(i) The respondents shall consider the application of the petitioner dated 4.2.1993 for allotment of suitable quarter in accordance with the relevant rules and instructions and the priority, if any, he is entitled to, and a reasoned order be communicated to the petitioner in the event of allotment not being made, within a period of three months from this date.

(ii) The petitioner shall not be evicted from the quarter of the Delhi Milk Scheme for a period of three months from this date.

(iii) So far as the damages are concerned, Delhi Milk Scheme shall take steps to recover the same only in accordance with law.

(iv) No costs.



(V.S. MALIMATH)
CHAIRMAN

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