

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

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O.A.649/93.

Date of decision: 18.5.1993.

C.A. Subramanian.

..Petitioner.

Versus

Union of India & Anr.

..Respondents.

CORAM:

THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

None.

For the Respondents.

None.

JUDGEMENT(ORAL)

(By Hon'ble Mr. I.K. Rasgotra, Member(A))

None appears for the petitioner. None appears for the respondents either in spite of service. On a perusal of the O.A., I am satisfied that this is a case which does not merit to be pursued.

2. The facts of the case are that the petitioner while working as Under Secretary, Ministry of Defence, was allotted a Type C/III quarter w.e.f. 20.11.1987 in Sector II, DIZ Area, New Delhi. His grievance is that the said quarter was downgraded/reclassified as Type 'B' w.e.f. 1.6.1987 in terms of O.M. dated 17.5.1987. He, therefore, submits that the allotment of a Type 'B' quarter to the petitioner as a Type 'C' quarter on 20.11.1987 was arbitrary and violative of Articles 14 and 16 of the Constitution. He further submits that after the allotment of the said quarter and on coming to know about the reclassification/downgradation, the petitioner approached the office of Respondent No. 2 repeatedly to allot him a Type 'C' quarter only in DIZ area because he has put his son in a school in the DIZ area. The respondents, however, have not done anything

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in the matter. He further submits that he represented the matter to the Minister of Urban Development who passed certain directions in his favour on 17.2.1992. This letter is at Annexure A-2 which is addressed by Minister of State, Urban Development to Minister of State for Defence. The reliefs prayed for by the petitioner are that the respondents be directed to allot a proper Type C/III quarter in DIZ Area, first floor or ground floor, preferably in Sector II, in lieu of the existing downgraded quarter with a further direction to pay compensation to him for their deliberate and arbitrary action in allotting him a Type III/C quarter, which was downgraded and reclassified as Type 'B' quarter.

3. On a careful consideration of the matter, I am of the opinion that while the Government servants are eligible for allotment of Government accommodation, it is not a condition of service bestowing a statutory right on the Government servant to be provided a Government accommodation. The petitioner was allotted a quarter in 1987. If he had any grievance, he should have filed a representation at that very time or should have refused to accept the said quarter and waited for allotment of a proper type quarter. He cannot make a grievance after his having accepted the quarter and then remaining quiet for almost four years when he filed this application on 17.3.1993. The petition is, therefore, barred by limitation under Section 21 of the Administrative Tribunals Act. As far as the correspondence between the Minister of State for Defence and Minister of State for Urban Development is concerned, he cannot take this as giving him a fresh

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cause of action. Further, there is no rule or regulation according to which he must be allotted a quarter in a particular area or on a particular floor. He has to take a quarter when offered in the area where the same is located. He has no right to be allotted appropriate type of quarter in the DIZ area only. The O.A. is, therefore, dismissed first being barred by limitation and secondly, for lack of merit.

4. A copy of this order be sent to both the parties.

I.K. Rasgotra
(I.K. Rasgotra)
Member(A)

'SRD'