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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11032/2018 and CM APPL. 42957/2018, 48431/2018,**
23866/2019 & 23924/2019

THE WET CANTEEN CONTRACTORS WELFARE
ASSOCIATION

..... Petitioner

Through: Mr Ayush Gupta and Mr Daman
Poply, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Amit Mahajan, CGSC with Mr
Olson Nair and Major Arjun Katoch,
Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **23.07.2019**

1. The petitioner claims to be an association comprising of about 60 civilian shopkeepers who are running their shops and wet canteens on a contractual basis from the premises allotted by the Army Cantonment for the past 100 years. However, on a pointed query, the learned counsel appearing for the petitioner was unable to name any member who has been carrying on business from such premises for that period.
2. The petitioner's grievance is that the respondents have now framed a policy whereby allotment of shops are now reserved only for "*War Widows/Widows of defence personnel killed while on duty/Disabled Soldier/Ex-Servicemen & Spouses/Widows of Ex-Servicemen etc.*"
3. It is the petitioner's case that the said policy is contrary to the Defence

Shopping Complex (Maintenance and Administration) Rules, 2006 for allotment of shops in a shopping complex.

4. The respondents have filed an affidavit clearly stating that the said policy of 100% reservation in favour of a specified category of persons is not applicable to shopping complexes and is only limited to Regimental Shops.

5. It is also pointed out that one of the members of the petitioner association has already filed a separate writ petition (***W.P.(C) 6026/2018 captioned Danish Akhtar v. Union of India and Anr.***). This Court does not consider it apposite to examine the challenge made by the petitioner in this petition. Admittedly, the petitioner association also includes members who run shops in shopping complexes and are not affected by the policy sought to be challenged.

6. In view of the above, the present petition is dismissed leaving it open for the affected person to agitate his grievance, if any. The pending applications are disposed of.

7. It is clarified that this Court has not expressed any opinion on the merits of the challenge to the policy in question.

VIBHU BAKHRU, J

JULY 23, 2019
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