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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.2487 of 1999

New Delhi, this the 22nd day of January, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Shri Jhaman Lal
S/o Shri Ramji Lal
R/o Flat No.16, Sector 6,
P&T Quarters, R.K. Puram,
New Delhi.

- APPLICANT

(By Advocate: Shri V.K.Sharma)

Versus

1. Union of India
Ministry of Tele Communications,
Through its Secretary,
Dak Bhawan,
New Delhi.
2. Chief Post Master General,
Delhi Circle, Meghdoot Bhawan,
Jhandewalan,
New Delhi-110 055
3. Assistant Director (Building)
Chief Post Master General
Delhi Circle, Meghdoot Bhawan,
Jhandewalan,
New Delhi-110 055
4. Head Record Officer,
RMS 'D' Division,
Asaf Ali Road, New Delhi.

-RESPONDENTS

(By Advocate: Shri Gajendra Gini)

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, challenging the order dated 5.11.99 whereby the allotment of Quarter No.16/6, R.K.Puram which had been allotted to him by virtue of his service under respondents, had been cancelled.

2. Learned counsel for the applicant submits that the impugned order dated 5.11.99 regarding cancellation

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of the quarter is bad since the ground taken by respondents that applicant was not having harmonious relations with his neighbours, is baseless and that he had been falsely implicated in a conspiracy hatched by his real brother who was having some property dispute with him, with active connivance of his neighbours. Learned counsel further submitted that respondents had issued show-cause notice dated 27.7.99 to the applicant in the following terms:

"Please refer to this office notice of even no. dt.29.6.99 vide which you were directed to show cause as to why your residence be not shifted to some other locality for not maintaining harmonious relation with the neighbours. Your reply is still awaited.

2. Further it has also been found that the Qr.No.16/6, R.K.Puram allotted to you is being used unauthorisedly for running the office of Bharatya Loktantrik Party.

3. You are, therefore, called upon to show cause as to why the allotment of the aforesaid quarter may not be cancelled your reply must be reach within 10 days of the receipt of this letter. Failing which it will be presumed that you have nothing to say in this regard and the case will be decided exparte on its merits."

3. Learned counsel for the applicant submitted that he has no objection if the applicant is shifted to some other locality. He submitted that even otherwise the department has cancelled the allotment of the present quarter No.16/6, R.K.Puram vide their letter dated 5.11.99. He pleaded that applicant should have been given an alternative accommodation before cancellation of Govt. quarter allotted to him.

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4. I have heard Shri V.K. Sharma for the applicant and Shri G. Gini for the respondents.

5. Shri Gini, learned counsel for the respondents submitted that since the allotment of quarter allotted to the applicant has already been cancelled, question of offering alternative accommodation to the applicant does not arise.

6. After considering the rival contentions, I am of the opinion that since the department itself had mentioned in its show-cause to the applicant as to why he should not be shifted to some other locality as he was not maintaining harmonious relations with his neighbours, the respondents should have first offered him an alternative accommodation before taking the stand of cancelling his present allotment. In view of the fact that alternative accommodation has not been offered to the applicant, I find that the principles of natural justice have not been observed properly in the present case as the respondents themselves had earlier proposed to shift the applicant to some other locality.

7. I, therefore, dispose of this O.A. with a direction to respondents that they shall offer an alternative accommodation to the applicant and he will be shifted to some other locality where the applicant shall maintain harmonious relations with his neighbours. Alternative accommodation should be offered to the applicant within a period of two months from the date of

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. receipt of a copy of this order.

8. O.A. stands disposed of with the above directions. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

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