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Date of Decision 18-5-1998

Shri BB Raval Advocate for the Applicant(s)

Union of India Respondent(s)

C O R A M: (Single/Division)

Hon'ble Shri \_\_\_\_\_

- ~~Yes/No~~

- Yes/No

(R.K. AHOOJA)  
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. NO.97/98

New Delhi, this the 18th day of May, 1999

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)

Prem Singh Chandel  
S/o Shri Milkhi Ram  
R/o F-2958, Netaji Nagar  
New Delhi ...Applicant  
(By Advocate: Shri B.B. Raval)

Versus

1. UNION OF INDIA  
Through the Secretary  
Research and Analysis Wing  
Cabinet Secretariat  
Govt. of India  
Room No.7, Bikarner House Annexe  
Shahjahan Road, New Delhi ... Respondents
2. Directorate of Estates, Nirman Bhawan  
(By Advocate: Shri S.M. Arif) New Delhi

O R D E R

The applicant, who was working in the Cabinet Secretariat, was allotted a Type-II quarter at Pushp Vihar. He later got it changed to Type-II quarter in Netaji Nagar w.e.f. 31st August, 1994. He states that he belongs to Himachal Pradesh. His wife and children are staying at his native place at Hamirpur. During the Christmas holidays of 1995 one of the colleagues of the applicant asked him to accommodate some of his guests from Kerala for a few days. As the applicant was staying alone he agreed to this request. In January, 1996 when the applicant was away to his office some persons from the Directorate of Estates visited his quarter and found the guests of his friend in the house. Thereafter, he received a notice dated 23rd January, 1996 stating that as a result of the enquiry

⑧ Respondent No. 2 added  
while Court's order dated 2.7.99

it had been reported that he was not residing in the Govt. accommodation allotted to him and that he had completely/partly subletted the same. He was asked to show cause by 15th March, 1996 as to why the allotment of his quarter should not be cancelled. The applicant duly appeared before the Deputy Director of Estates on 15.3.96 and also submitted a written reply. He also appended photocopies of ration card, CGHS card, children's education certificate, bank account pass book etc. Thereafter he heard nothing from the Directorate of Estates. Another show cause notice under the P.P. Act was delivered to him on 24.9.96, asking him to appear before the Estate Officer on 8.10.96. He duly appeared again and also filed a written reply. He was directed to appear again but the case was adjourned. He also met the Director of Estates on 4th December, 1996 and explained the facts to him. All of a sudden on 6th November, 1997 two persons again visited his house and met his sister-in-law who had come for a few days from Himachal Pradesh. At that time his wife was also in town. They came again on 11th November, 1997 when applicant was also present. At their instance he again gave all the particulars about his ration card etc. The Directorate of Estates, however, issued the impugned order at Annexure-A dated 26th November, 1997 asking the applicant to hand over vacant possession of the quarter to the Directorate of Estates, failing which he was threatened with forcible eviction. Alleging that the impugned order is illegal, arbitrary and based on extraneous considerations, he had made a prayer for quashing the same and the respondents be directed not to trouble him further in the matter.

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The reply has been filed by the respondent No.2, namely, Directorate of Estates. They state that in the course of door to door inspection of Govt. quarters, with a view to detect subletting, the quarter allotted to the applicant was also inspected. At that time no member of the allottee's family was present and instead one Shri Mathew, his wife and their son were found in the quarter unauthorisedly. Suspecting subletting, a notice was issued to the applicant. While proceedings were under way, the allottee preferred an appeal to the Director of Estates who decided to hear the applicant on 4.12.96. Thereafter the Director ordered another inspection of the quarter which was done on 17.2.97 but the house was found locked. Another inspection was conducted on 7.11.97 with complete inspection team which reported subletting as at that time another lady was found there who disclosed her name as Reena Chandel, the wife of one Shri I.D. Chandel whose name was not found in the ration card or the CGHS card. The lady could not also tell the inspecting team whether the allottee was a house owner or where the children of the allottee were studying. Further inspection was carried out when the lady was not found in the premises. That day door was opened after such a long time that there was reasonable suspicion that some occupants present in the house had in the meantime been sent away to a combined balcony. The team again suspected subletting. On the basis of these reports the impugned order has been issued.

I have heard the counsel. Shri B.B.Rawal has

Dr.

taken me through the pleadings and submitted that merely because the applicant had allowed guests of his friend from Kerala for a few days in the house it cannot be said that he subletted the quarter. The point, however, is that the impugned order has been issued after affording the applicant a number of opportunities to present his case. He had even met the Director of Estates whereafter further inspections were ordered. It can also not be said that it is a case of "no evidence". The applicant admits himself that some outsiders were staying in the house though his story is they were guests of his colleague who had come for Christmas holidays from Kerala. Further, the ration card issued to him was also issued after the date of inspection which can lead to the inference that it was done only in order to create evidence in his favour. Since the applicant had full opportunity to show cause and to be heard in defence, there is no infringement of the principles of natural justice. Since persons who did not belong to the immediate family of the applicant were found on two different occasions by the inspection teams, it can also not be said that there was no evidence against the applicant. It is outside the pervuew of the Tribunal in these circumstances to reassess and reappriciate the evidence and to substitute its own conclusions in place of that of the competent authority. Lastly, even though mala-fide has been alleged, neither any case for that has been made whether anyone who has acted in malice against him has been cited as a respondent. In the light of the above discussions, I find no ground for interference. Accordingly, the O.A. is dismissed. There will be no

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order as to costs.

*R. K. Ahooja*  
(R.K. AHOOJA)

MEMBER (A)