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Central Administrative Tribunal  
Principal Bench, New Delhi.

OA-1590/95

New Delhi this the 12th Day of September, 1995.

Hon'ble Shri B.K. Singh, Member(A)

1. Shri Krishan Lal Shahana,  
S/o late Sh. Tulsi Dass,  
R/o T-66(6-7), Anand Parwat,  
New Delhi-5.
2. Shri Om Prakash,  
S/o Sh. Hari Ram Joshi,  
R/o T-108(1-2) Lower Anand Parwat,  
New Delhi-5.
3. Mrs. Anita Anand,  
W/o Shri Tej Anand,  
R/o T-66(8-9), Lower Anand Parwat,  
New Delhi-5.

Applicants

(through Shri A.K. Trivedi, advocate)

versus

1. Union of India,  
through its Secretary,  
Ministry of Defence,  
South Block,  
New Delhi.
2. Station Commander,  
Station Headquarters,  
Delhi Cantt-10.
3. Barrack Stores Officer,  
GE, Red Fort, Delhi.

Respondents

(through Shri H.K. Gangwani, advocate)

Order (oral)  
delivered by Hon'ble Sh. B.K. Singh, Member(A)

The learned counsel for the respondents states that he will file his memo of appearance during the course of the day. He also filed a short reply which may be taken on record.

Heard the learned counsel for the parties.


The impugned order dated 22.7.95 actually has desired vacation of the accommodation at Anand Parbat, GE Red Fort. The letter indicates that the



allotment was purely on temporary basis. The allotment has only been cancelled. There were two more applicants who wanted to join through an <sup>M.A.</sup>~~G.A.~~ but were not permitted. In their cases regular certificates have been granted by the competent authority regarding allotment of the quarters on a permanent basis and recovery of licence fee, electricity & water charges etc. Such certificates have not been granted to the applicant<sup>and</sup> as such it is not clear from the G.A. whether house was allotted to the applicant temporarily or on permanent basis. This presumably was the reason why joining of the other two applicants was not permitted since they are not similarly circumstanced.

The learned counsel for the respondents has raised the objection that the application is premature because cancellation is a routine thing and unless proceeding is started under Sections 4 & 5 of the P.P.E. Act, 1971 and completed, there is no question of one being evicted from the quarter. The applicant is directed to approach the Estate Officer with full facts regarding allotment of the house to him and state his case. The Estate Officer is directed to consider all the relevant facts placed by the applicant before him and finally pass a reasoned order whether he is a bona fide allottee of the accommodation or not. He is further directed to consider whether this cancellation is justified or not. Needless to say that he will pass a reasoned order after giving full opportunity to the applicant to state his case.

With these observations, the application is disposed of as pre-mature but without any order as to costs.

  
(B.K. SINGH)  
MEMBER (A)