

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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...
O.A. No.1993 of 1995

Dated New Delhi, this 19th day of February, 1996.

HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

Nepal Singh
S/o Shri Ida Singh
R/o 473, Sec.V, Pushp Vihar(Saket)
M. B. Road
NEW DELHI.

... Applicant.

By Advocate: Shri D. P. Avinashi

versus

Union of India, through

1. The Secretary,
Ministry of Urban Development
Government of India
Nirman Bhawan
NEW DELHI.

2. Director of Estate
Government of India
Ministry of Urban Development
Nirman Bhawan
NEW DELHI.

3. Estate Officer
Directorate of Estate
Nirman Bhawan
NEW DELHI.

... Respondents

By Advocate: Shri B. Lall

O R D E R (Oral)

Shri K. Muthukumar, M(A)

This application filed under Section 19 of the
Administrative Tribunals Act, 1985 is directed against
the order passed by the respondents under Section 5
of the Public Premises (Eviction of Unauthorised
Occupants) Act, 1971 for the eviction of the applicant
from the government quarter allotted to him. The
applicant is aggrieved over this and has filed this.

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on the ground that the impugned order of eviction is bad in law and that the respondents have failed to establish the case against him and, therefore, has sought for the relief of quashing the impugned order and directing the respondents not to dispossess the applicant from the premises. The applicant was allowed to continue in the said premises by the ^{order of} ~~order~~ Tribunal.

The facts of the case are that the applicant was working under the respondents as Daftry and was allotted a government quarter. On a surprise inspection by the competent authority, it was found that the said accommodation was sublet fully. The applicant was asked to explain and due enquiry was conducted by the competent authority of the respondents against the unauthorised subletting by the applicant. On the basis of the statements made before the enquiry authority and also on the basis of other material available with him, the enquiry authority ~~had~~ come to the conclusion that the applicant had sublet his premises and accordingly passed an eviction order after following the procedure prescribed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The applicant alleges in this application that despite the fact he had given the details of ration card and

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other documents and also certificate of the Residents Welfare Association that he is an allottee and has also paid his membership fee to the said Association, the respondents have not taken note of this, and they issued the eviction order. The applicant further contends that the respondents have not been able to establish beyond doubt that he had sublet the premises. It is also stated on behalf of the applicant that the lady who was found to be present on the day of the inspection was related to the applicant and had came on the relevant date for a visit and as there were no other family member, she could not give any satisfactory answer.

The respondents have averred that neither the applicant nor any member of the family was found to be residing in the quarter in question when detailed enquiry was held. Even at the time of inspection, one lady was found in the house who refused to answer any question or show documents in regard to the applicant's occupation of the said premises. During the hearing the learned counsel for the respondents produced necessary record of the respondents. The following note has been recorded by the Deputy Director (Subletting):-

"The allottee, on enquiry, further informed that his native place is in village Madi in Mehrauli Block

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and that his family lives in that village. Even his daughter Chandu Kanta whose name figures in the Ration Card was not found in the quarter. A lady of the name of Anita was found who did not disclose anything. I consider that this is a case of full subletting and that he or his daughter is not living in the quarter. I, therefore, order that the allotment may be cancelled forthwith with all penalties."

The applicant further appealed against the above order and he was again given another hearing by the Director of Estates on 21.8.95 who had recorded that the lady was found residing in the quarter and *had informed the Ray* that the applicant's wife and children live in village Madi in Mehrauli and, therefore, keeping in view the above averments and the inspection report it was quite evident that the allottee was not residing in the premises, and, therefore, he did not interfere with the orders passed by the Deputy Director (Subletting) and rejected the appeal.

In matters of this kind, the Tribunal's jurisdiction is very limited. The applicant had been given due opportunity under the law to explain to the competent authority and the respondents and the competent authority after due hearing had come to a conclusion that the applicant had, in fact, sublet the premises. In view of this, I cannot substitute his judgement and *come to it* conclusion that the applicant had not sublet. So long as the applicant had been given due opportunity before the eviction order was passed *and after the* appropriate enquiry, it will not be

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appropriate for the Tribunal to interfere with the impugned orders. Accordingly, the application is rejected. No costs.



(K. Muthukumar)
Member(A)

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