

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.2032/95

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)

(6)

New Delhi, this 15th day of March, 1996

Shri Roshan Singh
s/o Late Shri Khushal Singh
working as Lab Cleaner
in the Department of Prevention of Food
Adulteration
A/20, Lawrence Road
Industrial Area
DELHI - 110 035.
R/o G-905, Shakur Pur
DELHI - 110 034. ... Applicant

(By Shri R.R.Singh, Advocate)

Versus

1. The Joint Director
through Director
Department of Prevention of Food
Adulteration, A-20
Lawrence Road, Industrial Area
NEW DELHI.
2. The Assistant Engineer(Civil)
Public Works Department
NEW DELHI.
3. The Chief Secretary
Govt. of N.C.T. of Delhi
5, Sham Nath Marg
DELHI - 110 054.
4. Shri Narendra Singh
Driver of Director
PFA Department
A-20, Lawrence Road
Industrial Area
NEW DELHI. ... Respondents

(By Shri Arun Bhardwaj, Advocate)

O R D E R (Oral)

Hon'ble Shri A.V.Haridasan, vice-Chairman(J)
who
The applicant was working as Lab. Cleaner in the
Department of Prevention of Food Adulteration has
filed this application aggrieved by the order dated
13.10.1995 by which the first respondent has cancelled

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(1)

the allotment of a Type-I (Flat No.1) quarter which was allotted him by order dated 31.5.1995, before issuing possession slip to the applicant. It is alleged in the application that the quarter in question constructed for the residence of Class-IV employees of the said department, was allotted to the applicant on his entitlement and that the cancellation of allotment of the said quarter and that subsequent allotment to the Respondent No.4 is arbitrary, and totally unjustifiable. Therefore, he has filed this application seeking to quash the impugned order dated 13.10.1995 and also for a direction to the PWD, Respondent No.2 to vacate the Flat No.1 (Type-I) staff quarter and to handover the vacant possession to the applicant.

2. When the application came up for hearing for admission, notices were issued to the respondents 1 to 4 and an order of stay was also granted. The Respondent No.4 despite service of notice did not appear. The respondents No.1 to 3 appeared through counsel Shri Arun Bhardwaj and have filed a reply. The impugned order is sought to be justified on the ground that through initially taking into account of the fact, the applicant had ~~been~~ to perform the duties of the Chowkidar also, later finding that there was no such requirement and considering the request of respondent No.4 who is the driver of the Director sympathetically as his wife was ill the allotment in the name of the applicant was cancelled allotting the same to the fourth respondent. As the duties of the 4th respondent being more important than that of the applicant the respondents contended that the action is fully justified.

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(2)

(8)

3. Having heard the counsel on either side and on a perusal of the pleadings and the material on record, we find that the impugned order is wholly unjustified. In the order by which the quarter was allotted to the applicant there is no mention that the allotment was made taking into considerations of the fact that he had to perform the duties of Chowkidar also. In the impugned order there is no mention of any chance in the circumstances. The applicant is a Class-IV employee is admittedly entitled to allotment of the Quarter meant for Class-IV employees. If for any valid reason the allotment has to be cancelled that can be done only for sufficient reason in accordance with the rules and after notice and opportunity to be heard to the applicant. The impugned order in this case ~~arbitrarily~~ ^{for} immediately cancelling the allotment in favour of the applicant without notice and allotting the same to 4th Respondent is arbitrary, discriminatory and therefore, wholly unjustified.

4. If the four quarters constructed ~~for~~ allotment to the Class-IV employees two are retained by the CPWD. The counsel for respondents argued that for maintainance etc. of the quarters, it is necessary that the CPWD has to retain two quarters, we find no justification for such an action. If 50% of the quarters is retained by the CPWD on the ^{grand} ~~question~~ that maintainance has to be done that will defeat the purpose of construction of quarters itself. The retention of the quarters by the CPWD even after the allotment in favour of the applicant, therefore is improper and unjustified and the second respondent is liable to vacate the same without delay.

5. In view of the what has stated in the fore-going paragraphs, we find no justification for the impugned orders

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(9)

cancelling the quarter in the name of the applicant, and allotting the same to Respondent No.4. Therefore, the impugned orders are quashed and set-aside and the order dated 31.5.1995 regarding allotment of the quarter in the name of the applicant (at ANNEXURE-B) is maintained. The second respondent is also directed to vacate the quarter in question and put the applicant in premisses thereof within a period of one month from the date of receipt of a copy of this order. No costs.

~~Rao~~
(R.K. AHMED)
MEMBER (A)


A.V. HARIDASAN
VICE-CHAIRMAN (J)

/RAO/