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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 2143/1995

New Delhi, this 16th day of November, 1995

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

Smt. Prem Kumari
91/6, Pinto Park
Air Force Station
Palam, Delhi Cantt-10

.. Applicant

By Shri A.K. Trivedi, Advocate

Vs.


Union of India, through

1. Secretary
Ministry of Defence
South Block, New Delhi
2. Officer-in-Charge Accommodation
Air Force Station Palam
Delhi Cantt
3. Barrack Store Officer
GE(North) AF Palam, Delhi Cantt
4. Unit Accountant,
BSO(N) AF Palam
Delhi Cantt-10

.. Respondents


ORDER (oral)

This OA is filed against the impugned orders dated 8.8.95 and 31.10.95 (Annexure A). A perusal of the same shows that there is no grievance having arisen to the applicant. The allegation is that the applicant has fully sublet the premises. Unless the same is proved against her, neither the damage rent can be charged nor can she be evicted from the quarter. The respondents are directed to follow the procedure laid down under Sections 4 & 5 of the PEE Act, 1971 if they want her to be evicted and follow the procedure laid down under Section 7 of the PPE Act, 1971 to charge damage rent.



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Without taking recourse to these, the entire action to charge damage rent would be arbitrary and illegal and will not be sustained in the eye of law. Before the eviction proceedings are started or action is taken to charge damage rent, the applicant will file his reply before the Estate Officer who is competent authority to look into the matter. Needless to say, no damage rent can be charged till the action under Section 7 of PPE Act, 1971 is complete and the applicant is afforded adequate opportunity of hearing. The applicant is directed to approach the Estate Officer with full facts within two weeks from the date of receipt of a copy of this order and the respondents are directed to give him full opportunity of hearing on subletting and pass necessary orders within two weeks thereafter. If there is any breach of principles of natural justice, it is open to the applicant to approach ADJ designated officer on behalf of DJ, Delhi under Section 9 of the PPE Act, 1971. Invoking extraordinary jurisdiction under 226 of the Constitution is not called for. With these observations, the OA is disposed of in limini.



(B.K. Singh)
Member(A)

/gtv/