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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A No.2165/1995

New Delhi, this 21st day of November, 1995

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

Shri R.P. Singh
s/o Shri Binda Prashad
G-37, Nauroji Nagar
New Delhi-22

.. Applicant

By Shri S.C. Saxena, Advocate

Vs.

Union of India, through

1. Secretary
Min. of Urban Development
Nirman Bhavan, New Delhi
2. Director of Estates
Nirman Bhavan, New Delhi
3. The Controller & Auditor General of India
Bahadur Shah Zafar Marg
New Delhi
4. The Principal Director of Commercial Audit
& Accounts Department
3rd Floor, A Wing, I.P. Bhavan
New Delhi

ORDER (oral)

It has been urged by the learned counsel that the applicant is a patient of cancer and he has submitted a report in this respect and the same is taken on record. It is further submitted that he has tendered his resignation but he has since reconsidered the matter and has decided to withdraw the same. The matter is pending before the Tribunal in O.A.No.891/95. In this particular case, the allotment has been cancelled and eviction proceedings have started. The applicant is directed to make his submissions before the Estate Officer who is under an obligation to follow the procedures laid down in Sections 4 & 5 of the

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P.P.E. Act, 1971. The applicant cannot be thrown out from the house till he has been heard and allowed to make oral/written submissions. The report of doctor indicates that he is a patient of cancer and belongs and, therefore, to S.C. community/ he has to be given adequate opportunity to be heard in person and also to make oral/written submissions before an order is passed by the competent authority i.e. Estate Officer. If there is any breach of the provisions of natural justice, the applicant will move the A.D.J., Delhi who is the designated officer on behalf of the District Judge Delhi. The applicant is granted two weeks time to make oral/written submissions and also to make a prayer to be heard in person. The respondents will dispose of the matter by passing a reasonable order taking into consideration the facts and circumstances of this case. Till then the applicant will remain in the house and will not be dispossessed.

With these observations, the O.A. is disposed of.

A copy of this order be given dasti to the learned counsel for the applicant.


(B.K. SINGH)
MEMBER (A)

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