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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 2484 of 1995

New Delhi this the 26th day of February, 1996

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

Shri Charan Jit Diwan
S/o Shri Mool Chand
R/o 166, Sector VII,
R.K. Puram,
New Delhi.

..Applicant

Shri George Paracken

Versus

1. Director
Directorate of Estates,
Nirman Bhawan,
New Delhi-110 001.

2. The Estate Officer,
Directorate of Estates,
Nirman Bhawan,
New Delhi.

3. The Sectretary,
Min. of Railways,
Rail Bhawan,
New Delhi-110 011.

..Respondents

By Advocate Shri Madhav Pannikkar

ORDER (ORAL)

HON'BLE MR. K. MUTHUKUMAR

The applicant in this case is an employee of the Railway Ministry and is allotted a Quarter No. 166, Sector VII, R.K. Puram, New Delhi, from the general pool. On the basis of the report of the Inspection Team, the applicant had been served with an initial notice dated 26.2.94 directing him to appear before the Assistant Director of Estates Office for further hearing.

Subsequently, the respondents have issued the impugned letter dated 14.2.1995, Annexure-A, cancelling his allotment and providing 60 days for appeal against this order. The learned counsel for the applicant states that the applicant has duly filed his appeal, which is dated 30.3.1995. The respondents, however, deny having received this appeal. However, the copy of the file indicates the post mark which does not conclusively show that the Director of Estates or his office received the appeal, as averred by the applicant. However, be that as it may, the matter is a short one and is, therefore, dispose of at the admission stage itself.

2. It is seen that the Inspection Team has found that there was no satisfactory explanation from the applicant during the enquiry conducted on the date of inspection and he was not found in the house and accordingly the applicant was called in the office of the respondents to explain on the report of subletting the premises. It is stated that the applicant had appeared before the authorised officer of the respondents but was not able to convince him about his fact of occupation of the allotted premises. It is also reportedly mentioned by the authority that he had informed during the hearing that his family consists of his wife and children who live in some village in the District of Gurgaon and the applicant is living alone here. It is, however, for the respondents to carefully consider his appeal against the cancellation order and take such decision as may be appropriate and objective

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after taking into account all the relevant records and other corroborative evidence produced by the applicant in regard to his bona fide residence of the allotted permises and also to refute the allegation of subletting his accomodatiion. Since the respondents have stated that they have not received the appeal of the applicant against the cancellation order, it is but appropriate that they are directed to consider his appeal after receiving a copy thereof from the applicant within a period of one week. The respondents are directed to consider the appeal within a period of 3 weeks thereafter and pass a speaking order conveying the decision in the matter. The applicant has already got an interim order, not to dispossess him from the allotted quarter. The interim order will continue till the appeal is decided by the respondents.

3. The application is disposed of finally.
No costs.


(K. MUTHUKUMAR)
MEMBER (A)

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