

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

O.A. No.1186 of 1995

Dated New Delhi, this 14th day of May, 1996.

(10)

Hon'ble Mr Justice A. P. Ravani, Chairman
Hon'ble Mr K. Muthukumar, Member(A)

Arjun Prasad
S/o Shri Banwari
R/o T-79/8 DCM Railway Colony
Meter Gauge Loco Shed
Sarai Rohilla
DELHI.

... Applicant

By Advocate: Shri G. D. Bhandari

versus

1. Union of India, through
The General Manager
Northern Railway
Baroda House
NEW DELHI.

2. Divisional Railway Manager
Northern Railway
BIKANER.

3. Divisional Engineer (M.G.)
Hamilton Road
DELHI.

4. Chief Inspector of Works (M.G.)
Loco Shed, Sarai Rohilla
DELHI.

... Respondents

By Advocate: Shri P. S. Mahendru

O R D E R (Order)

Mr Justice A. P. Ravani

Admit.

In the facts of the case, the O.A. is ordered to be heard finally today. The applicant is serving as Khalasi under Respondent No.4 i.e., Chief Inspector of Works (M.G.), Loco Shed, Sarai Rohilla, Delhi. By order dated 6.4.1995

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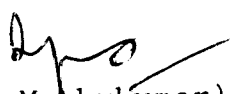
(Annexure A-2), it was decided to allot quarter No.T-79/B, DCM Railway Colony, Sarai Rohilla, Delhi to the applicant on vacation of the same.

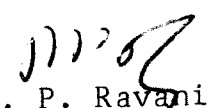
same. The applicant took possession of the quarter. Thereafter as the applicant came to know that the order of allotment passed in his favour had been cancelled, he approached this court praying that the order cancelling the allotment dated 23.6.1995 (Annexure A-3) be quashed and set aside. This court issued notice to the other side ^{which has} ~~who~~ filed reply denying the contentions raised by the applicant.

However, it is evident from the facts of the case that before cancelling the allotment order passed in favour of the applicant, he ^{has} ~~been given an~~ not ^{been} ~~given the~~ opportunity of being heard. No show cause notice has been issued to him calling to show cause as to why the order of allotment passed in his favour be not cancelled. Reliance ^{placed} ~~on~~ on the letter dated 10.4.1995 issued by Chief Inspector of Works (Respondent No.4) produced at annexure R-II is of no help to the respondents. By the ~~same~~ letter the applicant has not been asked to show cause as to why the allotment order passed in his favour be not cancelled. On the contrary, by the ~~same~~ order he has been instructed to vacate the premises. He has also been asked to note that if he would

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not vacate the premises, penal rent will be charged. Thus, from the record it is evident that the order cancelling the allotment of the quarter has been passed in violation of the principles of natural justice. On this short ground, the application is allowed. The order dated 23.6.1995 (Annexure A-3) is quashed and set aside. However, it is clarified that it is open to the respondents to proceed further against the applicant in accordance with law. In other words, if the respondents choose to cancel the order of allotment of the quarter, the respondents shall afford ^{an} ~~the~~ opportunity to be heard to the applicant and shall follow the other requisite procedure in accordance with law. The application stands disposed of as above. No costs.


(K. Muthukumar)
Member(A)


(A. P. Ravani)
Chairman

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