

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-396/96

New Delhi this the 6th day of November, 1997.

Hon'ble Sh. S.P. Biswas, Member(A)

Shri Ram Roop Singh,  
S/o Sh. Bhopal Singh,  
R/o 945, Mangol Puri,  
New Delhi.

..... Applicant

(through Sh. B. Krishan, advocate)

versus

The Director of Estates,  
Directorate of Estates,  
Ministry of Urban Development,  
4th Floor "C" Wing,  
Nirman Bhavan,  
New Delhi-11.

..... Respondent

(through Sh. S.M. Arif, advocate)

ORDER (ORAL)

The applicant was allotted a Government quarter No.I/202, Sarojini Nagar in June, 1990. But he received the A-2 impugned order dated 27.9.94 cancelling the allotment of the above premises with retrospective effect from 27.7.92, on grounds of non-payment of licence fee as well as allegation of sub-letting of the said quarter. A notice of recovery (A-1 dated 4.12.95) for Rs.67,513 has also been served on him. He is aggrieved by both.

2. The short question for determination is whether an allotment of a Government accommodation can be cancelled on the basis of (a) mere allegation of the Licence Fee not being received and (b) non-compliance of pre-requisites laid down for physical eviction following an established case of sub-letting.

3. A perusal of the records indicates that the applicant has been getting licence fee regularly deducted from his salary right from November, 1990 and the same was being sent under an appropriate Bill Number with a date to the respondents. The applicant had also taken the protection of altering the respondents about the licence fee having recovered from his salary on monthly basis through a communication dated 7.2.95. This did not wake up the respondents.

4. To add misery to the misfortune, the allotment was cancelled on grounds of sub-letting by A-2 order dated 29.7.94. Surprisingly, this communication indicates cancellation of the allotment with retrospective effect from 27.7.92. The cancellation of allotment, on grounds of sub-letting, and physical eviction from the premises are supposed to be preceded by formal letter of warning/opportunity of representation as per the law laid down under Section 4 of Public Premises (Eviction of Unauthorised Occupants) Act, 1971. Thus, the essential legal requirement has not been complied with.

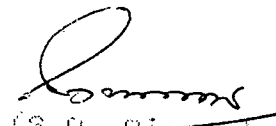
5. I also find a communication gap between the Directorate of Estates (Respondent No.1) and Directorate of Survey resulting in non-receipt of Licence Fee though the applicant had been paying the amount due through deduction at the source of monthly salary.

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This has not been disputed by the respondents nor the Directorate of Estates cared to reply back to applicant's communication of February, 1995. I also find <sup>that</sup> an otherwise established case of sub-letting has been handled by the respondent-Directorate of Estates without adherence to the rules laid down on the subject.

6. In the background of the details aforesaid, the O.A. deserves consideration on merits and is accordingly allowed. The impugned orders at A-1 and A-2 shall stand quashed. I leave it to the respondent-Directorate of Estates to take departmental action against those who have erred in dealing with this issue without any care for the formalities unavoidable in such matters. No costs.

  
(S.P. Bhowmik)  
Member (A)

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