

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 482/96

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New Delhi this the 8th day of November 1996

Hon'ble Shri R.K.Ahooja, Member(A)

Fateh Singh
S/o Nanhe Ram,
R/o D-117, Kidwai Nagar,
New Delhi.

.....Applicant

(By Advocate: Shri U.Srivastava)

Versus

1. Union of India through
The Director
Directorate of Estates(Enquiry Section)
Nirman Bhawan,
New Delhi.
2. The Asstt. Director of Estates,
(Litigation)
Directorate of Estates,
Nirman Bhawan,
New Delhi.

....Respondents

(By Advocate: Shri M.M.Sudan)

ORDER(Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

The applicant who was allotted a Government accommodation No. D-117, Kidwai Nagar, New Delhi is aggrieved by the order of cancellation of allotment and the order of eviction at Annexure A-1 passed by the respondents. The applicant submits that the respondents made a surprise checking on the basis of ~~the~~ false complaint. He further submits that when the checking had taken place, he was in the office and his wife and children gone to his in-laws' house and only his sister was present at the quarter. As she was ill and had come to Delhi, she was taking treatment from Safdarjung Hospital. It is only ^{basis} ~~the~~ that the inspection team had come to a conclusion

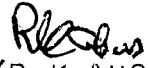
that the quarter had been subletted. The applicant states that he gave a representation to the respondents as per Annexure A-2 with which he had also enclosed a photocopy of the ration card and the CGHS dispensary card. As per Annexure A-3, he had made a reply to the show cause notice, Alleging that the explanation given by him has been rejected without application of mind which has resulted in issue of the impugned order *he seeks to have it set aside* . *Dr* ,

2. Ld counsel for the respondents states that a surprise inspection was conducted by a team of two Asstt. Director of Estates who vide their inspection report dated 4-8-95 reported that the quarter, in question was found in occupation of Shri Prithwi Dhar working in DESU, Smt. Kamala Devi, Shri Sunil Kumar, Shri Pawan Kumar and Km Mamta. Shri Sunil Kumar gave a signed statement to the Inspection Team stating that he along with his mother and father is residing there for the last 4 months. The Inspecting Team reported full subletting suspected. After affording an opportunity of personal hearing, the Dy. Director of Estates concluded that the quarter had been fully subletted and ordered for imposition of penalties for subletting. Orders dated 20-10-95 ^(here) were issued. Since the applicant did not vacate the premises within a period of 60 days allowed to him vide order dated 20-10-95, eviction proceedings were initiated against him.

3. I have heard the learned counsel on both sides. Shri U.Srivastava learned counsel appearing for the applicant submits that the applicant's sister was suffering from serious illness and she came to Delhi for treatment at Safdarjung Hospital. On the day of the inspection, the family of the applicant was not in the house and his sister with her family who came for medical treatment, were present. In these circumstances, the inspection team had wrongly concluded that the house has been subletted. He drew my attention to SR-317-B-21 which provides that before any penalty under these rules is imposed, the aggrieved person should be given 60 days to file a representation to the Directorate of Estates.

4. I have carefully considered the arguments advanced by both sides. As the learned counsel for the respondents points out that the Inspection Team gave its report that the premises was sub-let on the basis of the signed statement of one Shri Sunil Kumar who was residing there with his parents and the explanation given by the applicant was duly considered by the respondents and rejected, I am satisfied that the Inspection Team gave the correct report and there is no infirmity in the same.

5. In the circumstances, the application is dismissed. No order as to costs.


(R.K. AHUJA)
Member (A)

cc.