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Central Administrative Tribunal,  
Principal Bench

O.A.No.1684/97

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

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

Shri Girdhari Lal  
s/o Shri Garsi Lal  
working as Safaiwala in the  
Defence Staff College  
M/o of Defence  
New Delhi and  
r/o Sector - II/600, R.K.Puram  
New Delhi - 110 003.

... Applicant

(By Shri B.Krishan, Advocate)

Vs.

1. The Director of Estates  
Directorate of Estates  
4th Floor "C" Wing  
Nirman Bhawan  
New Delhi.

2. The Estate Officer  
Directorate of Estates  
4th Floor, "B" Wing  
Nirman Bhawan  
New Delhi.

... Respondents

(By Shri R.V.Sinha, Advocate)

O R D E R (Oral)

The applicant, who is an allottee of Sector-II/600, R.K.Puram, New Delhi, is aggrieved by the eviction order dated 24.6.1997 passed by Respondent No.2 directing him to vacate the afore mentioned Government accommodation.

2. The facts of the case in brief are that the respondents had conducted an inspection of the premises of the applicant on 27.12.1995 (Annexure R1). It was found that there was one Smt. Indra present. In the counter it is also mentioned that one child, Master Mohan Lal was also present. On the basis of the enquiries made the inspecting officer noted that subletting was suspected as allottee and his family and relevant documents are not available. The respondents say that a show cause notice was issued on 29.1.1996 and 2.9.1997. According to the respondents

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the applicant did not appear before the Deputy Director (Estates). Thereafter the order dated 12.9.1996 was issued cancelling the allotment. The matter was then referred to the Estate Officer resulting in the impugned order of eviction.

3. I have heard the counsel on both sides. The respondents say that due opportunity was given to the applicant and since he did not appear the impugned order of cancellation was issued. The learned counsel for the applicant submits that inspecting officers themselves had recorded that Smt. Indra, who is a daughter of the applicant, was present on the premises. As the applicant had not received the show cause notice he could not clear the doubts of the deciding authority that Indra was indeed his daughter. He also points out that a reference has been made in the counter also to the son of the applicant whose name is also included in the ration card.

4. Having considered the matter carefully, I find that the deciding authority had not gone into the matter fully before concluding the matter. The inspection report itself says that Indira was present at the premises. The applicant could have no reason not to appear before the deciding authority if he had received the notice. In the circumstances in the interest of justice, it would be fit and proper that the matter should again gone into by the deciding authority. Accordingly the impugned orders of eviction and cancellation are set-aside. The respondents may, if they so wish, issue a fresh show cause notice to the applicant and go into the matter of subletting and decide the same according to the law and rules.

OA is disposed of as above. No costs.

/rao/

  
(R.K. AHODJA)  
MEMBER(A)