

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.2554/97

(3)

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)

New Delhi, this the 25th day of October, 1999

Shri Inder Kumar, Cook
G.B. Pant Hospital
S/o Late Shri Mukund Lal
33/375, Trilok Nagar
New Delhi 110 091

(By Advocate: Shri Ashish Kalia)

Versus

Union of India Through

1. The Joint Secretary, Medical II
Government of Delhi

1, J.L.Nehru Marg, New Delhi 110 001
2. The Medical Supdt.
G.B. Pant Hospital
Government of Delhi
New Delhi 110 001

(By Advocate: None)

O R D E R

The applicant, who was appointed as a Cook in G.B. Pant Hospital as a member of essential duty staff, was allotted Govt. accommodation in the Hospital complex. The applicant submits that he lost his eye sight and was declared as 100% disabled by Lok Nayak Hospital letter dated 5.7.1995. According to the applicant the respondents conducted some survey of the Hospital accommodation during the illness of the applicant and cancelled his allotment on allegations of subletting. This order was passed on 9.9.94 and market rent @ Rs.988/- plus Rs.5/- p.m. was also imposed till the vacation of the said quarter. The applicant submits that this order was passed unilaterally and without giving any opportunity of being heard. Ultimately the applicant had vacated the quarter on 1.2.96. He approached the respondents to waive off the market rent but his representation has not been disposed of as yet.

2. The respondents, in their reply, have said that

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the survey of the quarter allotted to the applicant was conducted on four occasions on 27.7.94, 9.9.94, 15.3.95 and 19.4.95 and every time the quarter was found sublet. A show cause notice was also issued to the applicant and the order of cancellation of the allotment was issued after considering the reply filed by the applicant. (92)

3. When the matter came up for final hearing, Shri Ashish Kalia appeared for the applicant. However, none appeared for the respondents. The respondents themselves have stated that the allotment of the quarter was cancelled by an order dated 25.3.95 with retrospective effect. No good ground has been given for giving the order retrospective effect.

4. Accordingly, the O.A. is partly allowed directing the respondents that order of cancellation of allotment will take effect from the date of issue. The applicant is liable to pay market rent only from that date till the date of vacation of the quarter.

5. The O.A. is disposed of accordingly. No costs.

Ahooja -
(R.K. Ahooja)
Member (A)

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