

Central Administrative Tribunal  
Principal Bench

O.A.No.2738/97

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

New Delhi, this the 8th day of May, 1998

Const. Pramod Kumar  
No.7461/PCR/P.Branch  
P.H.Q., New Delhi.

... Applicant

(By Shri D.S.Mahendru, Advocate)

Vs.

1. Union of India through  
Secretary
2. D.C.P.Head Quarter, IIIrd  
I.P.Estate  
New Delhi.
3. Commissioner of Police  
Police Headquarter  
Indra Prastha Estate  
New Delhi.

... Respondents

(By Shri Raj Singh, Advocate)

O R D E R

The respondents, in order to stop the nuisance of subletting, issued a Circular dated 2.4.1993, Annexure-A notifying an incentive Scheme for allotment of quarters for police officers if they locate and inform about the subletting of Police Pool quarters. The applicant herein who is a Constable in Delhi Police reported the subletting of the police quarter No.G-10, Type-II, Police Station Kalkaji. On the basis of this complaint, Respondent No.2 issued a notice to the original allottee and an enquiry was conducted. This led to a show cause notice dated 5.6.1996 proposing therein the cancellation of Government quarter since it was found that original allottee was not living in that quarter and it was being occupied by his sister. Further enquiries showed that lady staying on the premises in question was not the real

On

sister of the allottee. While these enquiries were going on, the original allottee vacated the Govt. quarter on his own on 31.10.1997. In response to the show cause notice, the original allottee was heard on 9.12.1997 when he pleaded that he had fallen ill and had been taken to his relative's house and in the meantime his cousin sister was residing to look after the household goods. According to the respondents, on considering the reply and facts available on record, the show cause notice issued to the allottee was vacated. Thus, according to the respondents, the allegation leveled against the allottee that he had subletted the Government quarter was not found correct. Therefore the applicant in this case was refused allotment of the same quarter under the incentive scheme.

2. Having heard the counsel on both sides and having perused the pleadings on record, I find that the applicant has been wrongfully denied the benefit of the circular issued by the respondents in regard to incentive Scheme. The respondents submit that the enquiry conducted by the local police showed that the original allottee had not been living in the allotted house for some time and that some one else was living there, On further enquiries the claim of the allottee that the lady in question was his real sister was also found to be untrue. The allottee's claim that he had an heart ailment was also not proved. In these circumstances, the action of the allottee in vacating the house on his own leaves no doubt whatsoever that there was substance in the allegation of subletting. Considering the shortage of Government accommodation, and the high rents of hired accommodation, such voluntary surrender of Government

jr

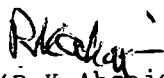
17

-3-

(18)

accommodation is rarely to be found. That this was done on the heels of a show cause notice issued to him and the report of the local police ~~for~~ corroborating the allegation of the applicant that the house was in occupation of some one ~~else~~ only <sup>the</sup> confusion that allottee wanted to avoid any further embarrassment. The argument of the learned counsel for the respondents that the explanation of the allottee was ultimately found satisfactory is in the facts and circumstances of the case not relevant as this was done much after the house in question had been vacated. More so, the respondents have not produced the order by which the case of subletting was dropped. If that order had been produced at least the reasons on which the competent officer arrived at his conclusion could have been seen.

3. In the light of the above discussion, the OA succeeds. The respondents are directed to grant the benefit of the Circular dated 2.4.1993 to the applicant. This should be done within a period of 15 days from the date of receipt of a copy of this order. No Costs.

  
(R.K. Ahobila)  
Member(A)

/rao/