

(18)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO.2417/94

New Delhi, this the 18th day of December, 1995

Hon'ble Shri N.^V. Krishnan, Acting Chairman

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Dharam Pal,
s/o Shri Pishori Lal
Q.No.79/5, Railway Colony,
Subzi Mandi, Delhi.

... Applicant

By Advocate: Shri P.M. Ahlawat

Vs.

1. Union of India,
through
General Manager,
Northern Railway,
Baroda House, New Delhi.

2. The Deputy Controller of Stores,
Northern Railway,
Shakur Basti, Delhi.

3. The Divisional Superintending
Engineer (Estate),
Divisional Railway Manager's office,
Northern Railway,
State Entry Road,
New Delhi.

... Respondents

By Advocate: None

ORDER (ORAL)

Hon'ble Shri N.^V. Krishnan, Acting Chairman

We had passed an order on 21.4.1995 restricting
the consideration of the application to only one
question, referred to in para 15 of the order which reads
as follows:-

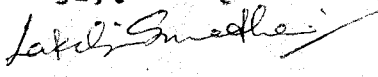
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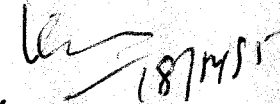
"In the circumstances mentioned above, we are of the view that the cancellation is well founded. The only question is whether this could be done w.e.f. 21.9.1991. That is the only issue which remains to be decided in this case and hence notice has to be issued only in this regard."

2. Notice has been issued to the respondents. No reply has been given. It was indicated on 5.9.95 that the case should be taken up for final disposal on 2.11.1995. Since then in the subsequent two hearings, none appeared for the respondents. The matter has been taken up for final disposal.
3. As is evident from the earlier order, the grievance of the applicant is against the cancellation of his allotment.
4. The order of cancellation is Annexure A-2 which is dated 21.11.94. For the reasons given therein the allotment has been cancelled from 21.9.91 i.e. the date of checking of railway quarter for illegal occupation.
5. We have already held that the cancellation, ^{of} allotment was fully justified by the order dated 21.4.95 reproduced above. The only issue was whether this could have been done retrospectively from 21.9.91.
6. We are of the view that the allotment of a house can be cancelled only prospectively and not retrospectively.

[Handwritten signature]

Accordingly, we hold that Annexure A-2 order, in so far as it cancelled the allotment of the quarter from 21.9.91 is bad in law and to that extent it is quashed. We further declare that the cancellation ordered by the Annexure A.2 order shall be effective only from 21.11.1994, i.e. the date of issue of that order. The applicant is entitled to consequential benefits flowing from such declaration. O.A. is disposed of accordingly.


(Smt. Lakshmi Swaminathan)
Member (D)


(N.V. Krishnan)
Acting Chairman

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