

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

DA 1976/2000

New Delhi this the 3rd day of May, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

Baboo Lal
S/O Shri Nannu Ram,
HSF-Gr. I,
Under Sr. Section Engg. (Power),
Northern Railway, Delhi Sarai
Rohilla, Delhi

Residential Address

125 E.D.C.M. Loco Shed,
Railway Colony, Delhi
Kishanganj, Delhi.

.Applicant

(By Advocate Shri G.D. Bhandari)

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Union of India, through

1. The General Manager,
Northern Railway,
Headquarters Office,
Baroda House, New Delhi.

2. The Divnl. Rly. Manager,
Northern Railway, Bikaner.

3. The Sr. Section Engg. (PS),
Northern Railway, Delhi
Sarai Rohilla, Delhi.

..Respondents

(By Advocate Shri P.M. Ahlawat)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J))

In this application the applicant has impugned the order issued by the respondents dated 26.10.1999 cancelling the allotment of Railway Quarter No. 125-E, D.C.M. Loco Shed, Delhi Kishanganj, Delhi.

2. We have heard Shri G.D. Bhandari, learned counsel for the applicant and Shri P.M. Ahlawat, learned counsel for the respondents and perused the records.

3. The main contention of Shri G.D.Bhandari, learned counsel for the applicant is that the aforesaid order is a bald order without giving any reasons and is in clear violation of the principles of natural justice, as the same has been issued without giving the applicant a show cause notice. He has also relied on the order issued by the respondents dated 29.10.1999 in which it is stated that with regard to the vacation of the railway quarters without the notice, the General Manager, Northern Railway had taken a decision in a meeting held by the URMU that such allotment should be cancelled only after giving a show cause notice to the employee and affording him an opportunity to present his case. The respondents have, however, submitted that this letter relied upon by the learned counsel for the applicant has since been cancelled by another letter dated 14.1.2000.

4. Shri P.M.Ahlawat, learned counsel for the respondents has submitted that the aforesaid impugned order dated 26.10.1999 has been passed because the applicant has admitted the fact of sub-letting of his quarter to one Shri Rajinder and his wife, Smt. Roop Rani. He has relied on Annexure A-4 statement dated 1.2.1999 made to the Vigilance Branch by the applicant, which document has been annexed by the applicant himself. On the other hand, Shri G.D.Bhandari, learned counsel for the applicant has submitted that in this statement the applicant has no-where admitted that he had sub-let the aforesaid Railway quarter but merely states that he had discharged certain social obligations, to allow his

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friends coming from the village and so on to use the quarter. Learned counsel for the respondents also relies on the statement given by Smt. Roop Rani, which document is, however, not placed on record.

5. On consideration of the relevant facts and the impugned order passed by the respondents dated 26.10.1999, we see force in the submissions made by the learned counsel for the applicant that the aforesaid order is a two line bald order which gives absolutely no reasons for the decision taken by the respondents to cancel the allotment of the Railway quarter No. 125-E, D.C.M.Loco Shed Railway Colony, Delhi Kishanganj, Delhi. In the same order, they have also mentioned that major penalty proceedings are pending against the applicant 'for cancellation' of the Railway quarter. Admittedly, the applicant has been issued charge-sheet on the issue of sub-letting of the aforesaid railway quarter by Memo. dated 11.10.1999, prior to which it is noticed that the allotment of the same quarter has been cancelled. Even if, as contended by the learned counsel for the respondents, the decision to cancel the aforesaid quarter has been taken on the basis of certain documents given by the applicant himself or other concerned parties, we are unable to agree with his contention that the cancellation order could have been issued without giving a show cause notice or any reasons whatsoever for cancelling the same. In the facts and circumstances of the case, it cannot be held that the Annexure A.1 order is sustainable in law which is clearly in violation of the principles of natural justice.

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6. For the reasons given above, the OA succeeds and is allowed with the following directions:-

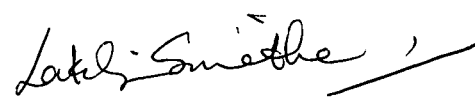
(i) The impugned order dated 26.10.1999 cancelling the allotment of Railway Quarter NO.125-E, D.C.M. Loco Shed, Delhi Kishanganj, Delhi is quashed and set aside;

(ii) In the circumstances of the case, liberty is granted to the respondents to proceed in the matter in accordance with law and the principles of natural justice, after giving him a show cause notice to the applicant and giving him a reasonable opportunity to defend his case.

(iii) Accordingly, the amount which has been recovered by the respondents in pursuance of the aforesaid order should be arranged to be returned to the applicant, subject to whatever further action they may wish to take against him, in accordance with law, rules and instructions.

No order as to costs.


(Govindan S. Tampi)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

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