

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1592
XXX%

198 9

DATE OF DECISION 26-10-1989.

Ms. Jagtar Kaur _____ Applicant (s)

Shri Shankar Raju _____ Advocate for the Applicant (s)

Versus

The Commission of Police & another _____ Respondent (s)

Shri Mukul Talwar _____ Ms. Avnish Ahlawat, Counsel for the
Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. B.C. MATHUR, VICE CHAIRMAN

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

This is an application under Section 19 of the Administrative Tribunals Act, 1985, against the impugned order dated 7.8.89 issued by the Deputy Commissioner of Police, Provisioning & Lines, Delhi, whereby the allotment of Government quarter No. C-7, Old Police Lines, Raj Pur Road, Delhi, issued in favour of the applicant has been cancelled with immediate effect for violation of the provisions of Standing Order No. iii/i/79 and the applicant has been directed to vacate the Government quarter within 7 days from the date of receipt of the said order.

2. The brief facts as stated in the application are that the applicant has been working as Woman A.S.I. since 10.7.72 in Delhi Police and has been in occupation of Government quarter from 12.2.1981.

3. The applicant was suspended from service on 17.5.88 following a criminal case which is pending before the Additional District Judge, Delhi. The applicant has received an order passed by the Deputy Commissioner of Police under which a departmental enquiry was



initiated against the applicant for her alleged contravention of Standing Order No. iii/i/79. The case of the applicant is that the impugned order is against natural justice as no notice was given to her before issuing the eviction order. Therefore, this order is liable to be quashed. The learned counsel for the applicant prayed for quashing the impugned order on the ground that the Standing Orders are not statutory.

4. The respondents in their reply have mentioned that one Santokh Singh was arrested in a criminal case for being found in possession of Heroin. He was bailed out by the Court in Feb. 87 and the respondents suspected that he was living with the applicant in the Government quarter allotted to her. He was reportedly residing in the Police quarter with the applicant to avoid ~~his~~ arrest. In such a case, the Deputy Commissioner of Police is within his right to cancel the accommodation of the Government servant which is not used properly. According to the respondents the allotment of Government quarter infavour of the applicant was cancelled for violation of Standing Order No. iii/i/79 because the applicant allowed Shri Santokh Singh, a criminal who had jumped bail to stay with her in Government quarter situated in Police Colony, as this amounted to misusing the Government accommodation allotted to her.

5. The point which is not in dispute is that no notice was issued to the applicant before cancellation of the allotment of her house as is required under Rule 24 Sub Rule 4 of the Standing Orders issued by the Commissioner of Police under Section 27 of the Delhi Police Act. As such the impugned order cannot be sustained and must be quashed. Notwithstanding quashing the orders cancelling the allotment of the house in favour of the applicant, the respondent will be at liberty to take such action against the applicant as may be required under the law.

With these observations, the application is allowed. There will be no orders as to costs.

B.C. Mathur
(B.C. MATHUR)
VICE CHAIRMAN
26.10.89.