

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 968/89
TAXXMK

198

DATE OF DECISION 6.9.89

Shiv Raj Singh Applicant (s)

Shri B.R. Saini Advocate for the Applicant (s)

Commissioner of Police & Ors. Respondent (s)

Shri M.M. Sudan Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. B.C. Mathur, Vice-Chairman (A)

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

(Judgement of the Bench delivered by the
Hon'ble B.C. Mathur, Vice-Chairman (A))

This is an Application under Section 19 of the Administrative Tribunals Act, filed by Shri Shiv Raj Singh, Head Constable, Police Station Hari Nagar, West Delhi, against the impugned order dated 28.9.1988 and final order dated 22.11.1988 by the Deputy Commissioner of Police, West District, New Delhi cancelling the allotment of Government accommodation. The facts of the case are that the allotment order of the house has been cancelled without giving a show cause notice to the applicant at his back and without disclosing any reasons. The allotment order of the house has been cancelled illegally. His representation against the cancellation has also been rejected in arbitrary manner.

The respondents in their reply have stated that the allotment was cancelled on the basis of a Vigilance Enquiry. During Vigilance Enquiry, it was found that the applicant was misusing the quarter. On receipt of a complaint from one Dharma Singh, Social Worker, Hari Nagar, the applicant, ^{against} ^A

discreet enquiries were conducted by a Vigilance Inspector. After the cancellation order was passed, the applicant sought permission to be heard in person and on his application for retention due to education of his son, he was allowed to retain the quarter upto 31.3.1989, but he did not vacate the quarter after 31.3.1989.

I have heard the counsel on both sides. Whether the facts brought out before the Vigilance Enquiry are correct or not, it is clear that the applicant has not been given any opportunity before the orders of cancellation were passed. As such the orders are clearly void and cannot be sustained. In the circumstances, the impugned orders cancelling the allotment of the quarter are quashed and the applicant is entitled to continue in the Government quarter No. DA/36-A, LIG Flats, P.S. Hari Nagar, New Delhi on normal rent. In case, the Government have any case against him, they should hold a proper inquiry and take such action as is legally permissible, but the present order without giving a reasonable opportunity to the Applicant cannot be sustained. The application is allowed accordingly.



(B.C. Mathur)
Vice-Chairman (A)

6.9.1989