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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, DELHI

Regn. No. O.A. 900 of 1986 ...

3rd August, 1987.

Shri K.K. Sharma

....

Applicant

V/s.

Post Master General

....

Respondent

PRESENT

None for applicant

Respondent

.....

Through Mrs. Raj Kumari Chopra,  
Counsel.

CORAM

Hon'ble Shri B.C. Mathur, Vice-Chairman.

This is an application under Section 19 of the Administrative Tribunals Act of 1985 against the orders of the respondents in which quarter No. 11, Khurshid Square, Civil Lines, Delhi, allotted to the applicant was cancelled on the ground that he had unauthorisedly subletted the house. The applicant has been working as a Postal Assistant under the respondents since 1.12.1967. He was initially appointed in the Postal Department on 14.1.1956. He was allotted a government quarter after 29 years of service at Khurshid Square. On getting reports that some employees of the Postal Department were subletting their government quarters the vigilance officers of the Department made surprise checks of various houses. While checking the house of the applicant, they found that it was occupied by his son-in-law. They took the statement of the son-in-law who said that he was living in the house with his wife, i.e., the applicant's daughter for the past three months. In his statement before the vigilance officers,

the son-in-law said that he was not paying any rent to the applicant whose unmarried daughter was also living in the same house. According to the son-in-law, the applicant was living in a rented house in Chandni Chowk.


2. As a result of this surprise check, the Government accommodation allotted to the applicant was cancelled on the charge of unauthorised subletting and he was called upon to show cause why he should not be asked to vacate the quarters and later on to show cause why he failed to vacate the house. The applicant was directed on 15.5.86 to give vacant possession of the quarter to the Sub Post Master, Civil Lines, immediately failing which steps will be taken to evict him from the premises and he will be charged penal rent which would be three times the market rent. The applicant, in his reply dated 22.5.86 explained that at the time of the surprise check his wife had gone out for attending a wedding and that his son had also gone out of Delhi to appear for an examination. According to the applicant, his younger daughter Ruby Sharma was present at the time of the surprise check. He has explained that his son-in-law and daughter have been living with him in his quarter as the son-in-law had been expelled from his own house by his people. He brought his daughter to his house allotted to him by Government as his daughter was expecting a baby. According to the applicant, he has a paternal house in Chawri Bazar, Delhi, and their luggage and other possessions are also kept there. In order to safeguard the property, someone from his house always lives there. Sometimes his daughter lives in the paternal house and sometimes others.

3. It appears that no proper enquiry was held in which the applicant was given a fair chance. Surprise check by the vigilance

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could have formed the basis for a regular enquiry and a reasonable chance should have been given to the applicant to state his case. It is seen that the Deputy Chief Post Master, Indraprastha Post Office, held an enquiry against the applicant. Disciplinary proceedings were started against him and a penalty of stoppage of his next increment for a period of one year without cumulative effect was ordered against the applicant which the Appellate Authority namely, the Chief Post Master, Indraprastha Head Post Office, did not accept, <sup>A</sup> and set aside the penalty. The Chief Post Master has accepted the version of the applicant that he had not subletted his Government allotted accommodation, but accommodated his married daughter without charging any rent from her. Since the appellate authority has accepted that the applicant had not subletted the accommodation allotted to him and had set aside the punishment awarded to him in the departmental enquiry, there is no case against the applicant. I also hold that no proper enquiry was done in this case, and keeping the son-in-law in the house without charging rent in the circumstances explained by the applicant does not amount to subletting the house.

4. In the circumstances, the application is allowed. The applicant will be treated to be in authorised occupation of the premises No. 11, Khurshid Square, Civil Lines, Delhi, continuously without break and would be liable to pay normal rent as admissible under the rules.

  
(B.C. Mathur)  
Vice-Chairman