

Central Administrative Tribunal  
Principal Bench, Delhi.

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REGN. NO. OA 181 of 1987 .... Date of decision 4.12.1987

Shri Krishan Lal .... Applicant

Vs.

1. Union of India through  
Secretary, Ministry of Communications,  
Department of Posts, Dakatar Bhavan,  
New Delhi.
2. The Postmaster General,  
Delhi Circle, Mohan Singh Place,  
New Delhi.
3. The Estate Officer,  
Office of the Postmaster-General, .... Respondents  
Delhi Circle, Mohan Singh Place,  
New Delhi.
4. The Director of Accounts(Postal),  
Civil Lines, Delhi.

Shri Sant Lal .... Advocate for the applicant.

Mrs. Raj Kumari Chopra ... Advocate for the respondents

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

This is an application under Section 19 of the Administrative Tribunals Act, 1985 against impugned orders issued in Memo No. Bdg/Qr.Cancel-31/86-87 by the Office of the Postmaster-General, Delhi Circle, and letter No. BDG/EP-88/86-87 dated 27.1.87 issued by the Estate Officer, Office of the Postmaster General, Delhi, Circle, cancelling the allotment of P&T Quarter No. B.14/10 Pankha Road, New Delhi, which had been allotted to the applicant.

2. The brief facts of the case are that the P&T Quarter No. B.14/10 Pankha Road, New Delhi, was allotted to the applicant on 11.7.85 where the applicant has been living with his family. The Office of the Postmaster General issued a cancellation notice on 23.7.86 (Annexure P-1 to the application) on the plea of alleged unauthorised subletting of the quarter by the applicant. The applicant submitted representations against the cancellation, but no reply was received. Meanwhile, the Estate Officer in the Office of the Postmaster-General, New Delhi, initiated eviction proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971

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vide his notice No. BDG/EP.88/86-87 dated 16.12.86. The case of the applicant is that he celebrated the marriages of his two sons on 17th June, 1986 and the house including the garrage was full of guests and relations. On those occasions a number of his relations did stay in the house but he had not sublet the house to anyone. The Estate Officer issued a final order on 27.1.87 directing the applicant to vacate the said premises within 15 days failing which he will be liable to be evicted by the use of police force. Against this order, the applicant moved the Tribunal for redress of his grievance.

3. The respondents in their reply have stated that cancellation of allotment is not a penalty within the CCS (CCA) Rules, 1965 and that the allotment was cancelled after <sup>an</sup> ~~the~~ <sub>R</sub> inquiry. They have said that they received an intimation that a number of quarters had been sublet by the allottees and a squad consisting of four officers after checking on the spot made a report that one garrage type small room provided with the quarter allotted to the applicant was occupied by Shri Raja Ram of Bareilly. On the basis of this report, the allotment of the quarter was cancelled.

3. It is quite clear that no proper inquiry has been made giving a chance to the applicant to explain his point. Besides, the Postmaster General vide his order dated 19.6.87 has restored the allotment of quarter No. B.4/10, Pankha Road, in favour of the applicant. As the respondents have already accepted the plea of the applicant after his filing of the case and restored the allotment of the house to the applicant, it is quite evident that the cancellation was not justified. In the circumstances, the application is allowed. It is further directed that the house in question would be considered as in authorised occupation of the applicant and there will be no question of penal or market rent or damages to be charged from the applicant. There will be no order as to costs.

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*B.C. Mathur*  
(B.C. Mathur)

Vice-Chairman