

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-2571/90

Date of decision: 4.3.1992

Shri Vikram Singh Applicant

Versus

Commissioner of Police, Respondents
Delhi and Another

For the Applicant Shri Shankar Raju, Advocate

For the respondents Mrs. Kum Kum Jain, Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? Yes
2. To be referred to the Reporters or not? No

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The short point for consideration is whether the impugned order of cancellation of the allotment of Govt. accommodation to the applicant is legally tenable.

2. The applicant is working as a Head Constable in the Delhi Police. He was allotted Government accommodation at Quarter No. 2, Type-B, P.S. Adarsh Nagar, Delhi and he had been living there with his wife and children. The

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respondents conducted a vigilance enquiry in which the applicant was not associated. The enquiry revealed that he had sublet the said quarter to one, Shri Jagpal Singh. It was on this ground that the impugned order of cancellation of the said quarter was passed.

3. We have heard the learned counsel for both the parties and have gone through the records of the case carefully. The respondents have admitted in their counter-affidavit that the cancellation of the quarter in question was made after a secret vigilance enquiry. A show-cause notice was issued to the applicant before cancellation of the said quarter which also refers to the secret enquiry conducted by the respondents. The respondents have not indicated as to when the applicant allegedly sublet the quarter in question to Shri Jagpal Singh, from whom ^{or} enquiries were made and what was the material in their possession to come to the conclusion that he ~~had~~ ^{or} had sublet the premises. The explanation of the applicant is that Shri Jagpal Singh is also working as a Sub-Inspector in the Delhi Police and posted at P.S. Inderpuri. Shri Jagpal Singh wanted to bring his wife for a few days for treatment, for which purpose, he requested the applicant to allow him to stay in one room. As the children of the applicant were away at his village due to closure of school during the

days of the disturbances arising out of the agitation on Mandal Commission's Report, he allowed Shri Jagpal Singh to stay with him for less than a month. This was done on purely humanitarian grounds and without charging any rent, etc., from Shri Jagpal Singh. The version of the applicant has not been controverted by the respondents in their counter-affidavit.

4. In the facts and circumstances of the case, we hold that the cancellation of the quarter in the occupation of the applicant, is not legally tenable. We, therefore, quash the impugned order of cancellation of the quarter in question. The respondents will, however, be at liberty to proceed against the applicant afresh by giving him a proper show-cause notice and conducting a proper enquiry in regard to any alleged subletting and take appropriate action. The application is disposed of on the above lines. The respondents shall comply with the above directions within a period of three months from the date of receipt of this order till which date, the interim order passed on 6.12.1990 will continue in operation. There will be no order as to costs.

B. N. Dhoudiyal
(B. N. Dhoudiyal)
Administrative Member

Parwinder Singh
4/3/92
(P. K. Kartha)
Vice-Chairman (Judl.)