

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

O.A. No. 535  
T.A. No.

1990

DATE OF DECISION 8-6-1990

Shri Ramphal Singh

Petitioner

Shri T.C. Agarwal

Advocate for the Petitioner(s)

Versus

Union of India  
through Director General, All India Radio, New Delhi.

Respondents

Sh. P. P. Khurana,

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K.KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K.CHAKRAVORTY, MEMBER(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *Yes*
4. Whether it needs to be circulated to other Benches of the Tribunal?

( Judgement of the Bench delivered by Hon'ble Mr.D.K. Chakravorty, Member)

### JUDGEMENT

The applicant, who is working as a Staff Car Driver in the office of the respondents filed this application under Section 19 of the Administrative Tribunals 1985, praying for setting aside and quashing the impugned order dated 8.3.90 whereby the allotment of a portion of Quarter No.15 in the premises of the Broadcasting House to the applicant was cancelled with immediate effect and he was directed to hand over the vacant possession of the said portion of the quarter by 9.3.1990, failing which eviction proceedings shall be initiated against him.

2. The application came up for admission on 27-3-1990. While admitting the application, an interim order was passed to the effect that the respondents are restrained from

evicting the applicant from the aforesaid quarter subject to his payment of licence fee etc. in accordance with the rules.

3. <sup>have</sup> We/gone through the records of the case carefully and have <sup>✓</sup>heard the learned counsel of both parties. There is no dispute about the facts of the case. The applicant had been allotted only a portion of Quarter No.15 consisting of one small and one large room. The toilet and the bath is common to him and the prospective allottee of the remaining portion of the same quarter. The allotment was made in December 1984. The quarter is meant for the Caretaker. The Caretaker is available now for whom the accommodation has to be allotted. It is in this background that the impugned order came to be passed.

4. The respondents have stated that the applicant is not allowing the Caretaker to occupy the quarter with the facility of toilet and the bath though the same is common to him and the allottee of the remaining portion of the said quarter.

5. The impugned order dated 8-3-90 cancelling the allotment was passed without giving a show cause notice to the applicant. The cancellation is, therefore, not legally sustainable as it is violative of the principles of natural justice.

6. In the light of the foregoing we set aside and quash the impugned order dated 8-3-90. The respondents will be at liberty to give a show cause notice to the applicant and take appropriate action in accordance with law. They may do so within a period of two months from the date of communication of this order, if so advised. After giving an opportunity to the applicant to submit a

reply to the show cause notice, the respondents shall pass a speaking order.

7. For a period of two months from the date of communication of this order, the applicant shall not be dispossessed from the portion of Quarter No.15 which is in his occupation.

8. The application is disposed of on the above lines. Parties will bear their respective costs.

*D.K. Chakravorty*  
( D.K.CHAKRAVORTY )  
MEMBER 8/6/90

*P.K. Kartha*  
( P.K.KARTHA )  
VICE CHAIRMAN 8/6/90