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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH.
NEW DELHI.

Date of Decesion: April 30, 1992.

QA 2633/91

CHANDAN SINGH

... APPLICANT.

Vs.

COMMISSIONER OF POLICE,
DELHI & ORS.

... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant

... Shri A.S. Grewal,
Counsel.

For the Respondents

... Shri B.S. Oberoi,
proxy counsel for
Shri D.K. Sharma,
Counsel.

1. Whether Reporters of local papers may ^{ye}
be allowed to see the judgement ?
2. To be referred to the Reporters or not? ^{ys.}

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER(J).)

The applicant Shri Chandan Singh was originally enrolled as Constable in Delhi Police and at the relevant time he was posted in Second Batallian, DAP, New Police Lines. Said Shri Chandan Singh was allotted a quarter No.16, Type-II, PS. Naingloi, Delhi. He was issued with a show cause notice dated 7.6.91 asking him to explain as to why the allotment of the said quarter be not cancelled. On check it was found

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that a Constable Shri Satpal Singh, No.404/W alongwith his family was found in physical possession of the aforesaid allotted quarter to him. After receipt of this notice, issued by DCP, HQs-III, the applicant submitted his explanation that the applicant had availed of Earned Leave for 45 days w.e.f. 31.5.91 and had gone to visit his village leaving the said allotted quarter in the possession of the said Constable who brought his wife for treatment for some ailment. This explanation of the applicant was not accepted and DCP, HQs-III, Delhi passed the impugned order dated 11.9.1991 cancelling the said allotment which has been assailed by the applicant in this case and prayed for the relief that the said impugned order be quashed and set aside and the applicant be treated to be a lawful allottee of the said quarter.

2. The grounds taken by the applicant in the application are that the applicant has never sublet the premises in question nor he has charged anything from the person kept by him in his absence on leave to his village. Besides it is also stated that there is a miscarriage of

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justice and violation of principles of natural justice inasmuch as ^{adequate opportunity} ~~an~~ ~~case~~ prays for hearing and presenting the case was denied to him. It is also taken as a ground that the children of the applicant will be badly affected in the event the allotment in his name is cancelled.

3. The respondents, in their reply stated that is a clear case of sub-tenancy/subletting/sub-lease as on surprise check it was found that the said quarter No.16, Type-II, PS Nangloi was in the physical possession of a person who was not the family member of the applicant. It is further stated that after this check enquiry was also conducted through the Police Station concerned by the DCP and only thereafter the show cause notice was issued. The applicant was heard on the explanation furnished by him and due opportunity as provided under law was given to the applicant. It is said that the applicant had no case.

4. I have heard the learned counsel for the applicant and find that the stand taken in the application is subsequently modified in the rejoinder filed after receipt of the counter in as much as it is not denied that Shri Satpal was in

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the physical possession of the premises alongwith his wife but he was kept to get certain electric work fitting while in rejoinder the stand taken is to get the house white washed. Be that it may be, it is evident that Satpal Singh, Constable, occupied the house and also continued to charge HRA being in the same department which is the applicant belongs. It is a case of uniform ~~of~~ brother hood. ~~For~~ Some time a complaint was also made by similar persons in the same department. In the application no malafide has been alleged. It cannot be said that the action taken against the applicant for issuing show cause notice was motivated or pre-decided pre-judicial act by the authorities to put the applicant out of the said premises. Taking all these facts into account as there is no case of malafide and the learned counsel for the respondents from the departmental file ^{supported} ~~in which~~ the contentions raised in the counter, I find that the applicant could not make out a case for the interference by the Tribunal in the matter of cancellation of the allotment.

5. In view of the above facts, I find that the present application is devoid of merit and

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dismissed leaving the parties to bear their own costs. The stay granted earlier in this case, is vacated.

Jomane
20.4.22

(J.P. SHARMA)
MEMBER (J)