

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

O.A.2853/91

Date of decision:16.4.93

D.Das Gupta

.. Applicant.

versus

Union of India &

others

.. Respondents.

Sh.B.B.Raval

.. Counsel for the applicant.

Sh.P.P.Khurana

.. Counsel for the respondents.

CORAM:

The Hon'ble Sh.N.V.Krishnan, Vice Chairman(A).

The Hon'ble Sh.B.S.Hegde, Member(J)

1. Whether reporters of the local papers may be allowed to see the judgement?
2. Whether to be referred to the reporters or not?

J U D G E M E N T (ORAL)

(Hon'ble Sh.N.V.Krishnan, Vice Chairman(A) )

The ~~Hon'ble~~ applicant has filed M.P. 916/93 which is for permission to produce additional documents. We have heard the parties. In the view that we are taking <sup>in</sup> the matter, it is not necessary to pass any order on the M.P. as we are disposing the O.A. itself finally.

2. The applicant is aggrieved by the notice (Annexure A-1) issued under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and the annexure B notice, issued to him in this connection. These relate to the contemplated eviction of the applicant on the ground that he has unauthorisedly sublet the government quarter allotted to him. When the applicant <sup>in</sup> came up for hearing on admission an

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ad interim direction was given on 29.11.91 to the respondents not to evict the applicant from the quarter No.23/1-C, Sector II, Gole Market, New Delhi for a period of fourteen days. That interim order has been continued from time to time till date. When the matter came up for consideration of the M.P. as well as further continuation of the interim order, we heard the parties on the application itself.

3. Learned counsel for the applicant submits that the applicant is in the Research and Analysis Wing and is posted in a far off place (Dibrugarh, Assam) and that therefore, it is necessary to continue the interim order till the disposal of the O.A. He also states that the ground of unauthorised sub-letting is taken and eviction proceedings initiated out of malice, because the applicant had made a number of complaints about the said quarter to various P.W.D. Officers.

4. We have heard the learned counsel for both the sides.

5. We notice that the eviction proceedings had just started, when they were stayed by our order dated 29.11.92. In the eviction proceedings, the applicant would, no doubt, get a full and reasonable opportunity to present his side of the case and there is nothing to warrant a presumption that the respondents will be totally deaf to the pleas that he will make before the concerned authority. We are, therefore, of the view that it is necessary in the interest of everybody that the eviction proceedings which have been stayed, should be continued and completed.


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6. ~~QxxxxAWxthexshar~~ In case the charge of unauthorised sub-letting is not proved, nothing would remain to the applicant to complain about. It is only, if the authority decides that the charge of sub-letting is proved and a further decision is taken that the applicant should be evicted from the premises that he will have a grievance. In the circumstances we are of the view that this O.A. itself can be disposed of and the interest of the applicant can be fully protected if a suitable direction is given to the respondents.

7. We, therefore, dispose of this application by vacating the interim order and permitting the authority concerned to complete the eviction proceedings in accordance with law. We further direct that in case any order of eviction is passed by respondent No.3, that order shall be kept in abeyance for a period of one month from the date of its service on the applicant so as to enable the applicant to resort to such legal proceedings as may be advised.

8. With the above directions the O.A. is disposed of with no order as to costs.

  
(B.S. HEGDE)  
MEMBER(J)

  
16.4.83  
(N.V. KRISHNAN)  
VICE CHAIRMAN(A)