

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

Regn. No. O.A. No. 1390/92

Date of decision 21.7.92

Applicant

Hanumant Kumar

Counsel for the applicant

Shri T.C. Aggarwal

vs.

Union of India

Respondents

Shri Jog Singh

Counsel for the respondents

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The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman(J).

The Hon'ble Mr. L.P. Gupta, Member (A).

JUDGMENT (ORAL)

Shri Jog Singh and Shri T.C. Aggarwal are finally heard.

2. The applicant has requested for quashing of the suspension order (Annex. A-1) and the order cancelling the allotment of the quarter to him (Annex. A-2). The learned counsel for the applicant contends that the quarter was allotted to the applicant in 1983 when the obligation to make himself available at call was not imposed on him as mentioned in the counter. He contends that the rules (R-1) were made later.

3. We have heard both the counsels. So far as the suspension order is concerned, there is no ground for setting it aside at this stage when even the issue of the chargesheet is awaited and the order of suspension has been issued in contemplation of the disciplinary proceedings.

4. So far as allotment of quarter is concerned, it is seen that the cancellation was done without giving an opportunity to the applicant to represent. Though cancellation of quarter is not a penalty under CCS(CCA) Rules, yet if the cancellation was ^{on the ground of} being done ~~in~~ violation of certain instructions and orders, the principle of natural justice would demand that he should have been given an opportunity to give his defence.

5. In the above view of the matter, the order dated 13.5.92 (Annex. A-2) cancelling the allotment of the quarter is set aside, but this will not preclude the respondents to pass an order in this

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regard as they deem fit after giving an opportunity to the applicant to represent. He may be given a personal hearing also.

6. With the above directions, the application is disposed of finally. Interim orders issued earlier merge into this order.

I. P. Gupta
(I.P. GUPTA) 21/7/92

MEMBER (A)

Ram Pal Singh
(RAM PAL SINGH)

VICE-CHAIRMAN (J)

(7)

O.A. No. 1390/92

21.7.92

Shri T.C. Aggarwal, counsel for the applicant

Shri Jog Singh, counsel for the respondents.

Heard both the counsel finally. Judgment dictated in
the court. O.A. disposed of.

I.P. Gupta

(I.P. GUPTA)

MEMBER (A)

Ram Pal Singh

(RAM PAL SINGH)

VICE-CHAIRMAN (J)