

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

RA 8/94 in  
OA 500/92

(42)

New Delhi, This the 16<sup>th</sup> day of September, 1994

Hon'ble Shri B.N. Dhoundiyal, Member(A)

1. Union of India through,  
General Officer Commanding,  
Area Headquarters,  
Delhi Cantt.
2. Major SSD(B),  
Station HQ,  
Delhi HQ.
3. Estate Officer,  
Delhi Station,  
Station of Headquarters,  
Delhi Cantt. 10.

... Petitioners

(By Advocate : Sh. H.K. Gangwani)

Versus

Sh. W.H.B. Patil,  
S/o Sh. FLB Patil,  
R/o Qr. No.43/12(Type III, CVD Line),  
Delhi Cantt - 10 working as  
Upper Division Clerk in the  
DET TG No.16(Insp) EME, CVD  
C/o Vehicle Depot workshop EME  
Delhi Cantt.

... Respondent

(By Advocate : Sh. S.S. Tiwari)

ORDER

Shri B.N. Dhoundiyal

Sh. W.H.B. Patil had challenged the eviction notice dated 8th February, 1992 issued by the Estate Officer, Delhi Station, Delhi Cantt. on the ground that he had sub let this accommodation to one Sh. Puran Singh. This Tribunal held that the authorities have not taken into account the entry in the Guest Register which showed that Sh. Puran Singh had stayed for less than 30 days

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verified *lv*

and this fact was *43* / XXX by the Resident Inspector.

They had also ignored a categorical statement of the Resident Inspector that the applicant was living in this quarter and had not sub let the premises and had relied on one time visit of a Board of Officers and the statements of two junior commissioned officers accompanying them. The application was allowed vide order dated 16.11.1993 and the respondents were directed to allow the applicant to continue residing in the quarter allotted to him on payment of normal licence fee.

2. The present review petition has been filed on the grounds which have been examined below:-

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The judgement had erroneously held that the applicant had adduced evidence regarding his children studying in Delhi Cantt. besides copies of medical certificates, gas connection and telegrams received. These were in fact never produced before the authorities. It has also been contended that no documents were attached in the applicant's reply to notice dated 26.7.1991. As no documents were produced before the Estate Officer, there was no

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question of giving any reasons regarding rejection of his representation.

3. In his representation dated 22nd April, 1991 the applicant had made a clear mention of the fact that his son was studying in the 9th class of Govt. Composite School, XXX Delhi Cantt. and that he was holding gas connection No.H-18761 of an agency in Delhi Cantt. and these could be verified by the authorities. In another representation dated 5.10.1991 to General Officer Commanding, Headquarters, Delhi Cantt. the applicant had stated that he had documentary proof of living at the quarter including ration card, LPG connection, dispensary card, newspaper receipts, school records and postal letters and telegrams. Copies of extracts from the Guest Register were also attached. There is no evidence in the proceedings before the Estate Officer that there was any verification on these points or the certificates given by the Resident Inspector on the basis of entries in the Guest Register were considered at all.

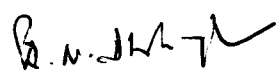
It is also contended that this Tribunal  
4. It is also has erroneously relied on the letter of Major S.K. Anand who has no locus standi or authority to write any such letter. In his counter

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to the review application, Sh. Patil has produced a letter dated 15th May, 1993 written by Sh. Behal, Resident Inspector wherein it is stated that the Resident Inspector is Commanding Officer of Det TG EME No 11, for all purposes by virtue of appointment and posting by MS and have all powers under AA Sec. 80 and AR 192. He has also attached a copy of the certificate given by Major S.K. Singh, Resident Inspector which shows that the said Sh. Puran Singh has stayed during 1991 with the applicant four times, none of his stay being over 30 days. S.R.O. 308 of 78 provides that sharing of accommodation by relatives or friends upto a period of 30 days shall not be deemed as sub letting and that any sharing of accommodation by such persons shall not be deemed to be sub letting in case prior intimation is given by the officer to the allotting authority. In this case, Major S.K. Singh, Resident Inspector has given a certificate which implies that there has been no breach of the provisions of the above mentioned S.R.O. 308.

5. I find no force in the review petition which is hereby dismissed.

/ravi/

  
(B.N. Dhoundiyal)  
Member(A)