

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
OA No.2003/93.

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New Delhi, this the 29th day of April, 1994.

SHRI J.P.SHARMA, MEMBER(J).

Shri Phool Singh,
son of late Khazan Singh,
working as Technician Gr.II,
in the Central Road Research Institute,
P.O. CRRI, New Delhi-110020,
and resident of B-5, C.R.R.I. Flats,
(CRRI Staff Quarters),
Maharani Bagh, New Delhi-110065.

...Applicant

By advocate : Shri K.N.Bahuguna.

Versus

1. Council of Scientific & Industrial Research,
'Anusandhan Bhavan', Rafi Marg,
New Delhi-110001,
through its Joint Secretary (Admn.)
2. Central Road Research Institute,
P.O. C.R.R.I., Delhi-Mathura Road,
New Delhi-110020,
through Shri K.R.Sarma,
Senior Controller of Administration.

...Respondents

By advocate : Shri A.K.Sikri.

O R D E R

The applicant has assailed the O.M. dated 26-7-93 issued by Controller of Administration, CRRI, New Delhi whereby the applicant was asked to vacate the premises no.B-5, CRRI Flats, Maharani Bagh and also to pay damages as penal licence fee @ Rs.1900/- per month and further he shall not be entitled to allotment of residential accommodation for a period of 3 years.

2. A notice was issued to the respondents who contested this application stating that the respondents have sent a surprise check committee to find that whether the Government premises allotted to the employees are exclusively in their use and occupation or has been sublet to unauthorised persons. This surprise check committee visited the flats of CRRI situated in Maharani Bagh on 10-12-92 between 8:30 and

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10:30 P.M. and again on 27-10-93 between 8:30 and 9:45 P.M. The report of the surprise check committee showed that the applicant had sublet the accommodation to an employee Shri Ram Pal and in view of this fact, the impugned order has been passed. The applicant has not filed any rejoinder.

3. I heard the learned counsel for the parties at length and perused the records. The applicant in his application has stated that the marriage of his son took place in Village Dhankar in U.P. and he was on sanctioned leave from 5-12-92 to 15-12-92 and as such the premises were not occupied by the applicant. It is further stated that the applicant is residing with his family and in support of the same he has filed the ration card, CGHS card as proof of his residence in the said quarter. The respondents placed reliance on the report of the surprise check committee who found an employee Shri Ram Pal living in the said quarter. The Tribunal cannot sit as an appellate authority over the findings of the surprise check committee against whom no mala fide has been alleged by the applicant. However, in this case, there is a gross violation of the principles of natural justice inasmuch as before issuing the impugned O.M. dated 26-7-93, the applicant should have been given a show-cause notice to substantiate the fact of his occupation of the said quarter and that he has not sublet it to Shri Ram Pal. The Controller of Administration has passed the order without giving a hearing to the applicant. It is against the principles of natural justice as held by the Hon'ble Supreme Court in the case of E.P.ROYAPPA vs. UNION OF INDIA reported in AIR 1975 SC p.555. In

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view of this, the impugned order is liable to be quashed.

4. The application is partly allowed. The impugned order is quashed and the respondents shall be at liberty to pursue the matter of subletting by the applicant to Shri Ram Pal after giving him a show cause notice on the basis of the report of the surprise check committee and thereafter pass the orders according to law. Parties to bear their own costs.

Patel

(J.P.SHARMA)

MEMBER (J)

'KALRA'
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