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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 2024/93.

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

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

Shri Ashok Pant,
son of late C.S.Pant,
working as J.L.A. in the
Central Road Research Institute,
P.O. C.R.R.I. New Delhi-110020,
and resident of Quarter No.B-19, C.R.R.I. Flats,
Maharani Bagh,
New Delhi-110065. ...Applicant

By advocate : Shri K.N.Bahuguna.

Versus

1. Council of Scientific & Industrial Research,
'Anusandhan Bhawan',
Rafi Marg, New Delhi-110001,
through its Joint Secretary (Admn.).
2. Director,
Central Road Research Institute,
P.O. C.R.R.I.,
Delhi-Mathura Road,
New Delhi-110020. ...Respondents

By advocate : Shri A.K.Sikri.

O R D E R

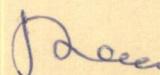
The applicant has assailed the impugned order dated 26-7-93 by which the applicant is alleged to have dated 26-7-93 by which the applicant is alleged to have person and has been directed to vacate the premises sublet the premises allotted to him to unauthorised fee and further he shall not be entitled to allotment person and has been directed to vacate the premises within 60 days and pay Rs.1900/- per month as licence fee and further he shall not be entitled to allotment of the residence for a period of 3 years. The applicant has prayed for the quashing of the aforesaid order and also that the respondents be restrained from charging the penal licence fee from the applicant. The applicant has also stated that the flat allotted to him is B-19 and ^{Lnt} B-25, CRRI Flats.

2. A notice was issued to the respondents who have stated that the applicant was allotted permission to share one room with Shri Gopal Chand, an employee of

the CRRI but he has sublet whole of the premises to said Shri Gopal Chand. Incidentally, a report of the surprise check committee is available which goes to show that Shri Gopal Chand has vacated the quarter on 27-2-93 but it relates to quarter no. B-19.

3. In the circumstances of the case, since the O.M. issued to the applicant pertain to quarter no. B-25 and the applicant is residing in the allotted quarter no. B-19, so the O.M. has become defective and cannot be enforced against the applicant. However, it is found that the applicant has not been given any opportunity of hearing though he has filed documents to show that he is residing in the said quarter. He has got CGHS card, ration card, of the aforesaid premises. The applicant has also filed the sharing permission granted by the respondents on 21-11-91 and he has filed a document showing that he intimated the respondent Director, CRRI that Gopal Chand has vacated the quarter on 27-2-93. The respondents have to consider all these aspects before passing any penal order against the applicant.

4. The application is, therefore, partly allowed. The impugned O.M. dated 26-7-93 is quashed with liberty to the respondents to issue a show cause notice and after hearing the applicant, pass necessary order. In the circumstances, parties to bear their own costs.



(J.P.SHARMA)

MEMBER (J)

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