

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA.No.2041 of 1993

New Delhi, dated this the 20th January 1994.

HON. SHRI C.J. ROY, MEMBER (JUDICIAL)

Shri Ayub Khan, ASI,  
S/o Hazi Idrish Khan,  
R/o Qr.No.73, Type-II,  
Sector-12, R.K. Puram,  
New Delhi.

Applicant

By Advocate Shri N. Safaya.

versus

1. Commissioner of Police,  
Police Headquarters,  
I.P. Estate, New Delhi.
2. Addl. Commissioner of Police (Admn.)  
Police Headquarters,  
I.T.O. New Delhi.
3. Dy. Commissioner of Police,  
Headquarters III, Delhi.

Respondents

By Advocate Shri D.K. Sharma  
with Shri B.S. Oberoi.

O R D E R (Oral)

This case is filed by Shri Ayub Khan, an Assistant Sub-Inspector of Police working with the respondents. He was allotted a quarter bearing No.73, Type-II, Sector-12, R.K. Puram, New Delhi on 24.7.91. The applicant states that he immediately occupied the said quarter and made complaints for repairing of the amenities like doors which was completely broken, improper fitting of the electricity and other deficiencies to be carried out. He is residing in the quarter alongwith his wife and one school going child. He claims the relief for quashing the orders dated 11.6.93, 17.8.93 and 8.9.93 passed by the respondents and placed at Annexure-C, E, and G respectively. The claim for interim relief was not granted.



2. The facts leading to the issue of three impugned orders briefly are that having taken order of allotment of the said quarter, the applicant has not been living there.

3. The respondents in their counter have stated that on conducting a surprise check, they found that the said quarter was vacant and the glass panes of the doors, windows were also broken. They made enquiry with five neighbours living in the same locality, near about the same flat, they found that the applicant is not staying there and that he also owns a DDA flat at Kalkaji bearing No.36/961 and the information has been duly signed by the neighbours. A show cause notice was issued to the applicant(Annexure-A) and the applicant replied vide Annexure-B through proper channel in which he claims that four doors and three windows at the time of occupation of the quarter had to be repaired and inspite of repeated complaints, CPWD authorities have not taken any action to effect repairs. But in this first reply to the show cause notice, the applicant did not mention anything about the marriage which he claims to have gone to attend in a village during the time of surprise checking. When the order under Annexure C-12 was passed by the Deputy Commissioner of Police Headquarters, Delhi, he preferred an appeal against the order and in his appeal dated 2.7.93, he has stated that he had gone to village along with the family to attend his daughters marriage. The appeal was heard and dismissed. Subsequently, he preferred an appeal to the Commissioner of Police and that was also dismissed.

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The applicant is questioning these three dismissal orders by way of claiming relief for quashing them. The applicant also files a copy of the letter dated 9.8.91 addressed to the PS, R.K. Puram, New Delhi stating that at 2.30 he came to police station and taken the keys of the quarter No.73 and found the quarter at a glance and found that one side door of the said house and electric fittings were totally broken and switch board were also missing and fans are also not there and yet he occupied the said quarter and put the lock and occupation slip shall be sent to the concerned officials through Dak and at present the electric supply are not there in the house. It is curious to note as to how the applicant being an ASI has resided in the quarter for all these years without electricity, without getting the house repaired with the doors <sup>broken</sup> and other amenities being <sup>not repaired</sup> broken. The respondents have no grudge or no motive to file a false case against the applicant and prepare false report during surprise check. I do not find any infirmity in the orders passed by the respondents and I am not inclined to quash any orders nor grant any relief as prayed for in the application. These facts cannot be decided in a writ jurisdiction At present, it is not brought to my notice whether the applicant <sup>is</sup> ~~has~~ resided <sup>being</sup> in the said quarter since he is still working in Delhi.

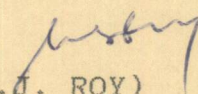
4. In the circumstances, I feel while disposing of this OA with no costs, that the respondents may give an opportunity of being heard, if necessary, give

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a personnel hearing to the applicant in accordance  
with the rules and dispose of the matter within two  
months from the date of communication of this order.

  
(C.D. ROY)

MEMBER(J)

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