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CAT/7/12

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

OA-347/93

DATE OF DECISION 29.9.93

Sh. Kanwar Singh		Petitioner
Sh. D. R. Gupta		Advocate for the Petitioner(s)
U.O.I. & Ors	Versus	Respondent
Sh. P. P. Khurana		Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. N. V. Krishnan, V.C. (A)

The Hon'ble Mr. B. S. Hegde, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? >
3. Whether their Lordships wish to see the fair copy of the Judgement? >
4. Whether it needs to be circulated to other Benches of the Tribunal? >

### JUDGEMENT (ORAL)

(delivered by Sh. N. V. Krishnan)

2314/93

M.P./ has been filed by the applicant praying that a direction be issued to the respondents to produce the original records because it is alleged that before the impugned order dated 9-8-91 (Annexure-B) was issued to the applicant by the Estate Officer intimating him that allotment of the quarter mentioned therein to the applicant has been

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cancelled and advising him to vacate the quarter within 15 days, the respondents have not given him any opportunity to explain why the allotment should not be cancelled.

2. The applicant is aggrieved by the Annexure-B order and he has filed this O.A. for quashing that order as well as Annexure A-1 order dated 30-3-92 by which penal rent is charged from the applicant on the grounds that he is in unauthorised occupation subsequent to cancellation of allotment.

3. In view of the allegation made in the M.P.,  
e We directed the respondents to produce the records. Learned counsel for the respondents has produced records today. On a perusal of the records we enquired of the respondents' counsel whether opportunity was given to the applicant by issue of show cause notice against cancellation of the allotment of the quarter. Learned counsel for the respondents submits that no such opportunity has been given to the applicant to show cause why the allotment should not be cancelled. He faintly argued why this opportunity was not necessary.

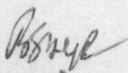
4. We do not agree. For, cancellation has civil consequences and the applicant has a right to be heard before cancellation is ordered. The applicant may have

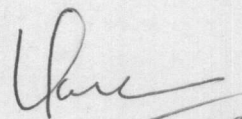
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a legitimate explanation to offer and authorities are bound to consider that explanation before the decision of cancellation was taken. As such opportunity has <sup>not</sup> been granted the decision of cancellation of allotment w.e.f. 9.8.91 is liable to be quashed and therefore, all subsequent proceedings has also to be quashed.

5. For the reasons mentioned above, we allow this application and quash the Annexure-B order dated 9-8-91 of the Estate Officer cancelling the allotment of the quarter mentioned therein to the applicant and the Annexure A-1 notice dated 30-3-92 demanding penal rent. We make it clear that this judgement will not prevent the respondents from taking any action against the applicant in accordance with law. Accordingly, OA is disposed of with the above order.

  
(B. S. Hegde)  
Member(J)

  
28.8.92  
(N. V. Krishnan)  
Vice Chairman(A)

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