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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,
NEW DELHI.

O.A. 402/93

New Delhi this 13th May, 1994.

CORAM:

Hon'ble Mr.S.R.Adige, Member(A)

Shri Urba Dutt,
s/o Late Shri Bachi Ram Pant,
Aged about 51 years,
r/o Quarter No.1485, Type II,
NH IV, Faridabad and working
as Cook in 56 ASP,
Air Force Station,
Faridabad

.....Applicant.

Versus

1. Union of India, through
Director of Estates,
Directorate of Estates,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. Asstt. Director(Estates),
Directorate of Estates,
(Regions Section),
Nirman Bhawan,
New Delhi.
3. Asstt. Estate Manager,
NH IV, Faridabad(Haryana),
4. Commanding Officer,
56,ASP Air Force Station,
Faridabad.

.....Respondents.

J U D G M E N T

In this application, Shri Urba Dutt, a Cook in the Indian Air Force at Faridabad has prayed for quashing of the order dated 25.10.91 and appellate authority's order dated 15.7.92 (both are Annexure-A) cancelling the allotment of Quarter No.1485/Type II NH IV, Faridabad on the ground of subletting the same.

2. From the materials on record, it would appear that spot inspection of the premises was carried out on 26.9.91 at 11 a.m. by Shri B.Tigga and Km.Sarita

Bhatia belonging to the Office of the Asstt. Estate Manager who found that the said premises were occupied by one Shri Raj Kumar, a shop-owner. At the time of inspection, Shri Raj Kumar was found in the said premises and he stated that he was running a shop in 4 & 5 Chowk at Faridabad. These materials are contained in the report of the I.O., placed in the file of the respondents which was shown to me during hearing. I notice that this inspection report also bears the signature of Raj Kumar.

3. The applicant's defence is that from 10.9.91 to 30.9.91, he was staying alone in the premises as his family had gone out and he allowed his friend to stay with him for security reasons because his duties normally required him to be at his place of work around the clock on alternative^{me} days. In his explanation to the Director of Estates, the applicant claimed that during the period of enquiry, his wife along with the children had gone to see her ailing mother in the village and being alone in the quarter, he had kept one of his relatives for the period of absence of his family. He further claims that a severe earthquake had destituted his family in Tehri Garhwal, hence his other family members had also joined^{him} at Faridabad.

4. Prima facie, the applicant had given^{me} conflicting statements in his explanation to the Director of Estates, where he states that he kept one of his relatives^{in the quarter, me} while in the O.A., he states that the occupant was his friend. Moreover, I noticed^{me} from the departmental file shown to me that the applicant was given an opportunity of appearing and of^{me} being heard by the Asstt. Estate

Manager, Faridabad on 23.10.91, but the applicant did not avail of that opportunity. The applicant has nodoubt denied^{this} in this O.A. claiming that he did present himself before the Asstt Estate Manager, but I see no good reason to disbelieve the contents of the departmental record which is quasi-judicial in nature, and which clearly states that the applicant failed to come for hearing on 23.10.91.

5. In the light of what has been stated above, it cannot be said that there are no materials to indicate that the applicant had sublet the quarter in question, in this connection by the impugned order the applicant had been directed to handover the vacant possession of the premises, failing which he would be liable to face action under the PP(EOU) Act, 1971.

6. Under the circumstances, I see no reason to interfere in this matter at this stage. It will be open to the applicant to show cause before the Estate Officer under Section 4 of the PP(EOU) Act, 1971 and satisfy him on the basis of such evidence as he can furnish, that in fact he had not sublet the premises.

7. With these observations, this application is dismissed and the interim orders passed on 19.2.93 are withdrawn. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

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