

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

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OA.No.720/93

Date of Decision: 14-7-93

Ms. Susmita Sengupta

Applicant

Versus

Union of India & Ors.

Respondents

Shri B. Krishan

Counsel for the applicant

Shri P.P. Khurana

Counsel for the respondents

J U D G E M E N T (By Hon.Member Shri C.J.Roy)

This OA has been filed under Section 19 of the Administrative Tribunal's Act, 1985 by Smt. Susmita Sengupta, working as Stenographer Grade 'D' in the Directorate General of Health Services, Ministry of Health, New Delhi, against the order of the respondents dated 30.12.1992, withdrawing the allotment of quarters and the eviction order dated 2.3.93, directing the applicant to vacate the premises within 15 days from the date of publication.

2. According to the applicant, she is working in the Central Government since 17.7.1985 and is eligible for allotment of Government accommodation from General Pool. She made a request for allotment of Government accommodation on 'out of turn basis' as permissible under "Allotment of Government Residences (General Pool in Delhi) Rules, 1953" vide her application dated 6.7.92 and it was recommended by the Minister of Steel vide letter dated 10.7.92. She was sanctioned adhoc allotment vide letter dated 11.8.92 (Annexure A-2) on the basis of her entitlement and the grievances putforth in her application and was offered allotment of Government residence bearing No.725, Sector-V, M.B. Road, New Delhi, vide letter dated 4.12.92 (Annexure A-3). On the basis of acceptance submitted by her, the respondents issued her a bill for Licence Fee dated 7.12.1992 (Annexure A-4). She was issued occupation slip bearing No.059267 from book No.1073 under seal and signature of Assistant Director of Estates (Annexure A-5). On production of the said Authority Slip, she was handed over vacant possession of the said premises on 8.12.1992(Annexure A-6). She is residing alongwith family

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members in this residence since then. On 30.12.1992, she received a letter from the respondents (Annexure A-7) stating that she has allegedly secured the possession by way of producing a fake authority slip, and also procured letter of fake allotment from the respondents. A show cause notice dated 30.12.92 was served on her, calling upon to show cause as to why, an eviction order should not be passed against her (Annexure A-8). She submitted a representation dated 5.1.93 through her counsel clarifying her bonafides. She also filed a fresh application No.OA.14/1993 against the letter dated 30.12.1992 vide application submitted on 2.1.93 seeking the main relief of confirmation of allotment and interim relief of stay of operation of letter dated 30.12.92 and stay of dispossession. She subsequently withdrew the application, and the OA was dismissed as withdrawn on 4.1.93 with liberty to approach this Tribunal at appropriate time, if required (Annexure A-9). In terms of show cause notice, she appeared before the respondents on the fixed time on 27.1.93 and submitted all the copies of documentary evidences and further sought time to file proper reply, but was declined and was finally heard on 29.1.93. She however, submitted her reply on 1.2.93 denying the allegations. On 22.3.93, she was served with a final eviction order directing her to vacate the Government accommodation allotted to her within 15 days from the date of publication thereof. A copy of the detailed judgement passed by the respondents is at Annexure A-10 and A-11. In view of the above, she is under apprehension of being evicted from the Government accommodation. Hence she has filed this original application praying for quashing of the cancellation/withdrawal letter dated 30.12.92 and impugned judgement and eviction order dated 2.3.93.

3. The respondents have stated in their counter affidavit that the applicant has occupied the General Pool Quarter by illegally manipulating fake allotment letter, fake rent bill and fake authority slip, which she managed to secure through illegal means.

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The documents were forged and did not carry the official impress of the office of the Directorate of Estates. The signatures of the documents referred to above, which were used by the applicant to secure the fake allotment were forged. She took possession of the quarter by presenting fake authority slip to the CPWD Enquiry Office on 8.12.1992. Action was immediately taken, when the matter regarding irregularity concerning fake allotment came to their notice. The allotment was cancelled on 8.12.1992 i.e. the same date, on which the applicant came to occupy the said premises illegally. A departmental enquiry was also ordered to inquire into the circumstances under which the applicant managed to secure the allotment, which is under progress. Shri Satvir Singh, UDC, who is regarded as a person to manage and manoeuvre and force the various papers has already been put under suspension w.e.f. 23.12.1992. Consequent upon the cancellation of the illegal allotment of the quarter, the applicant became liable for vacating the said premises w.e.f. 8.12.1992 and also became liable for damage rates of licence fee for illegal possession of the said quarter. When the applicant failed to hand over the possession of the said quarter, eviction proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1991 were initiated against her which resulted in the culmination of passing of eviction order by the Estate Officer on 2.3.93.

4. We have heard the learned counsel for both parties and perused the documents on record.

5. The main question involved in this OA is whether the allotment of quarter to the applicant is secured by genuine or fraudulent means. The respondents in this OA are not contesting the authenticity of her eligibility, as the quarter has been allotted on 'out of turn' basis, on sympathetic grounds, on her being the Central Government servant, but the means of allotment, by which, the applicant has procured the quarter, is alleged to be by way of manipulating fake allotment letter, fake rent bill and fake authority slip etc. However, I am of the view that the applicant may or may not be a party to the forgery committed by any official

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as per records seen by me  
of the Department, but she did possess the knowledge of foul  
play about the allotment of quarter in her name, which is a  
fake one. In the circumstances, I am left with no other option  
except to dismiss the application. However, the respondents  
shall give the applicant three months' time to vacate the  
Government accommodation. The respondents, in the meanwhile,  
shall also consider her application for allotment of Government  
quarter in her own turn, in view of the fact that they have  
committed to do so. No order as to costs.

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(C.J. ROY)  
MEMBER(A) 14/7/93