

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

D.A. No. 1039 of 1993

This 7th day of February, 1994

Hon'ble Mr. B.K. Singh, Member (A)

Shri Madan Ram,
S/o Shri Karam Ram,
E-133, Moti Bagh,
New Delhi.

Applicant

By Advocate: Shri J.P. Verghese

VERSUS

1. Union of India, through
The Secretary,
Ministry of Urban Development,
Nirman Bhavan,
New Delhi.
2. Directorate of Estates,
Nirman Bhavan,
New Delhi.
3. Shri Bhure Singh,
Eviction Inspector
Directorate of Estates,
Nirman Bhavan,
New Delhi.
4. The Administrative Officer,
Air Force Station,
Race Course Road,
New Delhi.

Respondents

By Advocate: Shri P.P. Khurana.

ORDER

(By Hon'ble Mr. B.K. Singh, Member (A))

This application No. 1039/93 has been filed against the order of cancellation of allotment of accommodation No. E-133, Moti Bagh, New Delhi vide letter No. DE/4/E/MB/Sub/86 dated 12.2.86.

2. The admitted facts of the case are that the respondents allotted Quarter No. E-133, Moti Bagh, New Delhi, to the applicant on 28.3.81. He is a Cook in the Air Force Station, New Delhi. He is aged 55 years and

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is living with his wife, aged about 53 years and they have no children.

3. The premises, E-133 Moti Bagh, consists of one room and kitchen with common toilet. This kind of allotment is made to Group 'D' staff. A surprise inspection was carried by the respondent No.2 on 27.12.85. On the relevant date there was only one girl staying in the house in question. During the course of surprise inspection the officer submitted a report that the full residence was in occupation of one Smt. Amija. It is further admitted that a notice dated 14.1.86 was issued to the applicant by respondent No.2. It is also admitted that the applicant appeared for personal hearing before the Dy. Director (Estates) on 3.2.86. But it is stated, and is also evident from the file produced before me, that the applicant could not explain the presence of Smt. Amija in his quarter. The applicant also could not produce his ration card though the quarter was in his possession since 1981. The respondents cancelled the allotment of the applicant vide their memo dated 12.2.86 (annexure 1 of the paper book).

4. The applicant was served a show-cause notice dated 14.1.86 (annexure 2) followed by a memo for subletting the government quarter dated 30.1.86 (annexure 3 of the paper-book). The applicant filed representation dated 26.2.86 (annexure 4). He further sent a reminder to the authorities addressed to the Additional Director (Estates) Shri A.K. Saxena (annexure 6). The representation filed by the applicant was considered



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by the appellate authority but the same was rejected vide memo dated 7.4.86 (annexure 8). A copy of the show-cause notice for eviction is annexed to the O.A. as annexure 9 and this is dated 27.6.86. Finally the eviction orders were passed on 12.11.86 and a copy of the same is annexed as annexure 10 to the O.A.

5. When the applicant did not vacate the government quarter after the service of eviction notice, the authorities used minimum force and his belongings were taken out of the premises.

6. The applicant has sought the following reliefs:-

- i. to declare that the order dated 12.2.86 is illegal and void;
- ii. to declare the removal of the applicant and some of properties from the premises as illegal and violative of Art. 14 of the Constitution of India;
- iii. to direct the respondents not to charge any penal rent/market rent from the applicant;
- iv. to direct the respondents to pay compensation to the applicant for the wilful damage caused to his property by the respondent No.3;
- v. to pass such order/orders as this Tribunal deems fit and proper.

6. A notice was issued to the respondents who filed their reply and contested the application and the grant of reliefs prayed for by the applicant.

7. Heard the learned counsel for the applicant and Shri P.P. Khurana for the respondents and perused the record of the case and also the ^{departmental} file No. E*133 4/8/MB/Sub/86 regarding eviction proceedings of quarter No.E-133, Moti Bagh. The applicant was actually evicted from the aforesaid quarter on 23.4.93.

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8. The main contention of the learned counsel for the applicant was that at the time of inspection the applicant was away on duty and his wife & had also gone out for shopping leaving only his neice inside the premises. During their absence the surprise inspection was conducted. He denied that the applicant had sublet the premises to anybody. He, however, argued that if the perusal of the departmental file indicates the facts to the contrary then he has no case.

9. I have carefully gone through the departmental file. The departmental file contains report of surprise inspection and the report submitted about it. The appeal filed by the applicant under FR 15 is also there. The show cause notice, appeal of the applicant, and all other details of the eviction proceedings are including the various letters submitted by the applicant and the replies given are also there on the file. The file also shows a letter sent by Shri Ram Ratan Ram, Member of Parliament to the then Housing Minister, Shri Dalbir Singh and his reply thereto. The Hon'ble Member of Parliament had requested for restoration of Quarter No. E-133, Moti Bagh to the applicant. The Hon'ble Minister wrote back that he did get the letter examined and that he was satisfied that after due enquiries the allotment was cancelled in view of its subletting and its occupation by unauthorised persons and as such Shri Madan Ram was rightly evicted since he had contravened the rules of allotment. It has further been stated in the letter that the penalties imposed on the applicant, Shri Madan Ram, on the charge of unauthorised subletting of Qr. No.E-133, Moti Bagh and



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his representation in this respect was duly considered by the appellate authority and rejected. The Hon'ble Minister regretted his inability to do anything in the matter of restoration of the quarter and he wanted the Hon'ble M.P. to appreciate the facts and circumstances in which the applicant was evicted and penalties imposed on him.

10. Provisions of Section 5 and 6 of the PPE Act 1971 have to be read together and harmoniously and it will be seen that the provisions of these Sections have been fully complied with. On receipt of the report of the surprise inspection, the Estate Officer made an order of eviction and recorded the reasons therefor and asked the applicant to vacate the premises & giving a specific date and since the applicant did not comply with the orders, the unauthorised persons were evicted from the quarter by using minimum force and the penalties for subletting were imposed.

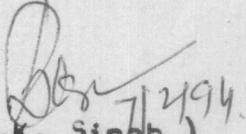
11. A careful perusal of the record shows that the applicant was given full opportunity to state his case and it is only after giving him personal hearing and receiving hisshow-cause that the allotment was cancelled and eviction proceedings were started and finally unauthorised persons were evicted by using minimum force. The principles of natural justice have been followed to the hilt and I do not find any flaw in the proceedings and as such I do not find any merit or substance in the application.

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12. In the light of the aforesaid observations, the order of the Estate Officer and the Appellate Authority on representation by the applicant do not require any interference from this Court. The application is devoid of any merit or substance and is accordingly dismissed leaving the parties to bear their own costs.


(B.K. Singh)
Member (A)

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