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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1906 of 1993

Dated: The 16th of May 1995

Smt. Parvati Bisht,
W/O Late Deb Singh,
Ward Assistant, Military Hospital,
Ranikhet, District Almora.

..... Applicant.

By Advocate Shri B.D.Upadhyay.

Versus

The Union of India & Ors.

..... Respondents.

By Advocate Shri C.S.Singh.

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O R D E R

By Hon'ble Mr. T.L.Verma, Member-J

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The applicant, Smt. Parvati Bisht is employed as Ward Assistant in Military Hospital, Ranikhet in the District of Almora. Two rooms tenement were allotted to her in building in 2/F-1 in the Military Hospital compound Ranikhet on a monthly rental of Rs. 50/- The aforesaid residential accommodation, admittedly, was completely damaged in fire on 6.8.1983. According to the applicant, she occupied a room in the stable with the oral permission of the then Commandent pending repair of the building damaged in fire on allotment of alternative accommodation. The room in the stable occupied by the applicant, it is stated, does not form part of the residential accommodation meant for employees

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of the KRC Pool. Earlier, the said room was in occupation of one Shri Hans Raj Sharma, Carpenter and was not paying any rent there for. The applicant, it is stated, was given to understand that her occupation was also on the same terms, but all on a sudden, she received a bill for Rs. 61,780/- being rent and other charges in respect of the aforesaid premises for a period from April. 1987 to December, 1992.

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The further case of the applicant is that respondent No. 3 submitted a report to respondent No. 4 on 23.4.93 that rent and light charges to the tune of Rs. 18,000/- be dis-allowed to the applicant and a sum of Rs. 2/- be recovered from her payable for the month of September 1993. The respondent No. 4 passed order to the said effect on 18.8.1993. The further case of the applicant is that as She is in occupation of the disputed premises from August, 1989, order for recovery of rent from April 1987 is wholly unjust, illegal and bad in law. The impugned order whereby the applicant has been directed to pay market and panel rent has also been assailed on the ground that no rent is chargeable as the same does not form part of the residential accommodation meant for the employees of KRC Pool and also because the order for recovery has been passed ~~xx~~ without giving any opportunity to the applicant to explain her stand in the matter.

2. The respondents have resisted the claim of the applicant. In the Counter Affidavit filed on behalf of the respondents, it has been stated that the applicant has occupied building No. 6 near Military Hospital, Raniketh without any permission. Not only that she is alleged to have sublet a portion thereof. That She is living there unauthorisedly and that she has sublet a portion thereof is stated to have been found by the Board which held spot inspection. The action taken therefore, it is stated, is perfectly justified.


3. We have heard the learned counsel for the parties and perused the record. The impugned order directing the applicant to pay market and panel rent is obviously based on the report of Board of Officers which enquired into the alleged unauthorised occupation of the house in question by the applicant. The fact that the applicant was neither given notice of the enquiry or that she was nor opportunity to participate in the inquiry and explain her stand, is not in dispute. It is settled principle of law that administrative orders having civil consequences must abide by principles of natural justice. By impugned order, the applicant has been directed to pay Rs 61,780/- on account of rent charges for a period from April, 1987 to December, 1992. The applicant has also been disallowed rent and allied charges hitherto allowed to her. The impugned order, thus has civil consequences inasmuch as she has been asked to pay a huge

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amount of money by way of arrears of rent charged at a market and panel rent. The respondent, in all fairness, should have given notice of the inquiry and the report submitted by the Board and asked to show cause why the rent should not be recovered from her. The order with regard to recovery of arrears of rent should have been passed only after taking into account the defence taken by her. Since this has not been done, the impugned order which obviously has been passed in contravention of principle of natural justice cannot be allowed to stand

4. In view of the above, this application is allowed and the impugned bill dated 26.3.93 and order dated 18.8.93 are hereby quashed. It will however, be open ^{to the respondents} to take appropriate action in the matter after giving notice to the applicant to show cause against the proposed action. No order as to costs.

Member-


Member-J

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