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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO:265 OF 1994

Date of decision: May, 5, 1994

Raghunath Das	...	Applicant
Versus		
Union of India & Others	...	Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not? NO

2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not?

H. RAJENDRA PRASAD
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

05 MAY 94

K. P. ACHARYA
(K. P. ACHARYA)
VICE CHAIRMAN

May 5, 1994

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 265 OF 1994

Date of decision: May 5, 1994

Raghunath Das	...	Applicant
Versus		
Union of India & Others	...	Respondents
For the Applicant	...	M/s. Y. Mohanty, P.C. Biswal, B.N. Mohanty, Advocates
For the Respondents	...	Mr. Ashok Misra, Senior Standing Counsel (Central).
....		

CORAM:

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN
AND
THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

....

JUDGMENT

K.P. ACHARYA, V.C. In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order contained in Annexure-2 dated 22.3.1994 cancelling the allotment of quarters made in favour of the Petitioner Shri Raghunath Das.

2. Shorn of unnecessary details, it would suffice to say that the Petitioner Shri Raghunath Das is an employee of the Accountant General, Orissa, Bhubaneswar. Vide order dated 21st February, 1994, contained in Annexure-1, the petitioner had been allotted a Government quarters bearing No. H-282. Vide Annexure-2 dated 22nd March, 1994, the said allotment of the quarters in favour of the petitioner stood cancelled and hence this application has been filed with the aforesaid prayer.

3. We did not like to keep this matter, unnecessarily pending for the reasons to be stated hereunder and with the consent given by counsel for both sides, we have heard this case, on merits and propose to dispose of it finally.

4. We have heard Mr. Y. Mohanty learned counsel appearing for the Petitioner and Mr. Ashok Misra learned Senior Standing Counsel (Central).

5. Ordinarily, we would have issued notice to the Opposite Parties but the impugned order appears to us to be patently illegal in violation of the principles of natural justice and therefore, we took the view of dispensing with the notice to be issued against the Opposite Parties. In the first paragraph of the impugned order contained in Annexure-2 it is stated as follows :

"Shri Raghunath Das is hereby informed that consequent on subletting of quarter on previous occasion, the allotment of Qr-No. H-282 stands cancelled forthwith. He is hereby directed to vacate the quarter within seven days of receipt of this order".

The crux of the statement made in para 1, quoted above is that the petitioner is alleged to have been

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sub-let a quarters on prior occasion which was allotted to him. and therefore, as a consequence of such alleged illegal act, the present quarters(in respect of which no illegality has been committed by the Petitioner) has been cancelled. At the time when the alleged offence was committed by the Petitioner, no steps was taken against the petitioner to award a punishment to him but now after allotting the quarters in question, to the petitioner , it has been cancelled because it is alleged that he has committed an offence consequent on subletting the quarters allotted to him on previous occasion. This step is taken by the Opposite parties is against all canons of Justice, Equity and Fairplay. Since this is patently an illegal order passed by the Opposite Parties, we did not like to keep this matter pending and therefore, we have heard the case on merits and do hereby finally dispose of the case ~~by~~ quashing the Annexure-2 dated 22nd March, 1994 namely the order passed by the Sr. Deputy Accountant General(Admn.) cancelling the allotment of quarters and directing the petitioner to vacate the quarters. In view of the above order passed by us, the petitioner be allowed to continue in occupation of the said quarters.

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6. Thus, the case stands allowed leaving the parties to bear their own costs.

K. Mohanty

MEMBER (ADMINISTRATIVE)

05 MAY 94

K. Mohanty
5.5.94
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench/K. Mohanty/5.5.94.