

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. NO. 976 of 2002
Cuttack, this the 30th day of April, 2004

Udhab Chandra Sahoo.

....

Applicant.

-Vrs.-

Union of India & Others.

...

Respondents.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? No
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No


(B.N. SOM)
VICE-CHAIRMAN


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

10

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No.976/2002.

Present: Hon'ble Mr. B.N. Som, Vice-Chairman
Hon'ble Mr. M.R. Mohanty, Member (Judl.).

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Ushab Chandra Sahoo. ... Applicant.

-Vrs.-

Union of India & Ors. ... Respondents.

For Applicant. : Mr. B.S. Tripathy, Counsel.

For Respondents. : Mr. S.B. Jena, Counsel.

Date of decision: 30 / 4 / 2004.

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):

Applicant engaged as waiter in the Aviation Research Centre at Charibatia (Orissa) was allotted with Qrs.No.2RA-207 on 25.08.1992. On the allegation of subletting the said quarters, the allotment was cancelled with a direction to the Applicant to pay ten times of the normal licence fee (Rs.1200/- per month) till the date of vacation of the quarters. He was declared ineligible for allotment of any residential accommodation for the remaining period of his service. In the said premises, he has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 seeking relief.

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2. Respondents have filed their counter opposing the case of the Applicant, as raised in this Original Application.

3. Heard learned counsel for both sides and perused the materials placed on record. Learned counsel for the Applicant submitted that the order under Annexure-7 dated 22-10-2002 was passed basing on the statement of a person (who was allegedly allowed to share the quarters with the Applicant) and check-report submitted by the security personnel. It is the case of the Advocate for the Applicant that documents, relied upon by the Respondents were not sufficient to prove the sub-letting of the quarters by the Applicant and that the voter lists were not conclusive proof of subletting of quarters; because those are contradictory. It was alleged by the Advocate for the Applicant that statements (of other persons) were obtained by the Department/ Authority forcibly and the same have been obtained long after the security checking; that during security checking signature of Applicant was not obtained and that though the documents show that the other person was staying in Qrs. in question, till September, 2002, no statement of the neighbourers were obtained. Finally, it was argued by him that the representation of the Applicant was rejected mechanically by the Respondents without any enquiry and, as such, the order under Annexure-7 is liable to be quashed. On the other hand, learned Additional Standing Counsel

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appearing for the Respondents submitted that the subletting of quarters in question and staying in the quarters by the sublettee alongwith his family members were proved during the door-to-door checking undertaken (by the security personnel of ARC, Charibatia) on 11.09.2002; which was also corroborated by Voters list of 1999 and 2002; letter dated 18.10.2002 of BSMIL installing telephone in the said quarters, statements of neighbourers and the National Savings Certificate purchased in the name of the sublettee. However, after giving due opportunity and considering the representation submitted by the Applicant the impugned order under Annexure-7 was passed and that, therefore, the case warrants no interference of this Tribunal.

4. After hearing the counsel for both the parties and on perusal of the records, it is seen that the impugned order under Annexure-7 was passed after proving the matter to the hilt. It is seen that adequate opportunities were also given to the Applicant. If the indiscipline of the type committed by the Applicant is allowed to stand, then it would definitely be difficult on the part of the Department to give proper administration.

5. In our considered opinion, since there is no breach of any rules or principles of natural justice in the matter, the interference, as sought for by the Applicant

is unwarranted and, therefore, this Original Application
is dismissed. No costs.


(B.N. SOM)
VICE-CHAIRMAN


20/04/04
(MANGARANJAN MOHANTY)
MEMBER (JUDICIAL)