

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.838 of 1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

GANESH CHANDRA SAMANTA

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. S.N. Roy, counsel

For the respondents : Mrs. U. Sanyal, counsel

Heard on : 24.5.99

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O R D E R

In this application, the applicant, Ganesh Chandra Samanta, Charge Mechanic under the respondents, challenged the validity of the Office Memo No.2450/8/Sub/EzB dated 12.7.97 (Annexure 'C' to the application) issued by the Captain B.S.O. (Central), Calcutta directing the applicant to vacate the quarter No.S/43 forthwith, otherwise eviction proceeding will be initiated by the Station Head Quarter. According to the applicant, the said impugned order of eviction was issued by the authority without affording any opportunity to the applicant to state his case and thereby the said order is arbitrary, illegal and is liable to be quashed.

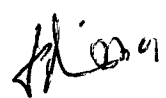
2. Respondents filed written statement denying the claim of the applicant stating inter alia that the eviction proceeding against the applicant has already started for unauthorised occupation of the quarter and for violation of terms and conditions of the allotment rules. According to the respondents, the applicant was asked to vacate the quarter on the allegation that he has sublet the said quarter to one, Jagmohan, Ex. MES under Garrison Engineer(Central), Calcutta and who is now one of the members of Joint Consultative Machinery under the Adjutant General Branch, Army Head Quarter, New Delhi.

3. Ld. counsel appearing on behalf of the applicant submits that the eviction proceeding has already been started against the applicant on the ground of subletting his quarter to another person and this matter is pending before the appropriate authority for adjudication. Ld. counsel for the applicant further submits that the applicant had already approached the Tribunal against the said proceeding of eviction from quarter and an interim order has been passed by the Tribunal where it is mentioned

that respondents will be at liberty to proceed with the eviction proceeding according to law but no final order will be passed without the leave of the court.

4. I have considered the submissions made by the ld. counsel for both the parties and have gone through the records. I find that the said impugned order dated 12.7.97(Annexure 'C' to the app.) was issued without issuing any show-cause notice to the applicant. Since no show-cause notice was issued by the respondents on the ground of allegation made against the applicant, thereby, I am of the view that the said impugned order of eviction from the quarter is liable to be quashed for the reason that the respondents have violated the principle of natural justice.

5. Accordingly the order dated 12.7.97(Annexure 'C' to the app.) is quashed. The respondents will be at liberty to proceed with the eviction proceeding in accordance with the law as ordered earlier but final order should not be passed without taking leave of the Tribunal, till disposal of the O.A.No.1185/1998. With these observations, the application is disposed of awarding no costs.


(D. PURKAYASTHA)
MEMBER (J)

s.m.