

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A.396 of 1997

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

UMASANKAR SINGH S/o
Late Garju Singh,
Lineman Gr. I, Ticket
No.87/386, Power & Town
Supply, Chittaranjan Locomo-
tive Works, resident of
quarter no.8/108, Street
No.35, Chittaranjan-713331.

... Applicant
Vs.

1. Union of India through General Manager,
CLW Chittaranjan-713331.
2. Deputy Chief Personnel Officer (W),
CLW.
3. S.E.Engineer (G & DA),
CLW.
4. Dy.Chief Vigilance Officer, CLW
Chittaranjan, Dist.Burdwan.

... Respondents

For the applicant : Mr.R.K.Chakraborty Thakur, counsel.

For the respondents: Mrs.Uma Bhattacharya, counsel.

Heard on : 24.4.1998

Order on : 24.4.1998

ORDER

In the instant application the applicant, Uma Sankar Singh, Lineman Gr. I, Power and Town Supply, CLW Chittaranjan, has approached this Tribunal challenging the validity of the impugned order of cancellation of allotment of quarters which had been allotted to him on the ground that the applicant had unauthorisedly sub-let the said quarters to one Farid Khan and that fact was found true on inspection made by the Joint Inspection Committee.

2. According to the applicant, on the same ground, another departmental proceeding has been initiated against him by

filling a charge sheet dated 7.8.1996 (annexure 'A/4' to the application) and the same is pending before the enquiring authority for an enquiry into the allegations made in the charge sheet. The applicant has, however, not challenged the said charge sheet but he has challenged the impugned order of cancellation of the quarter allotted to him being No.8/108, Street No.35. According to the applicant no opportunity of being heard has been given to him before passing the order of cancellation of allotment of the quarters by the authority and hence the entire action of the respondents is liable to be quashed and set aside.

3. The respondents have filed a reply denying the claim of the applicant stating inter alia that the applicant was apprised of the fact of the allegation of sub-letting by submitting a charge sheet dated 7.8.1996 as well as the Joint Inspection Report and after receipt of the said report, the applicant filed a representation to the Sr. Electrical Engineer/G, Chittaranjan Locomotive Works, Chittaranjan. As Farid Khan has stated during inspection that he has been paying rent for the quarters to the applicant, therefore, it is a fact that the applicant has sub-let the quarters allotted to him and thus has violated the rules and instructions for allotment of quarters. Thereby he is liable to be evicted after cancellation of the allotment of the said quarters and accordingly, he was directed to vacate the Railway quarters within seven days vide office order dated 31.7.1997 and a memorandum of charge sheet of major penalty under D & A Rules was issued on 7.8.1996 to enquire into the matter departmentally and the same is still pending.

4. I have heard the submissions of the 1st counsel for both the parties and have also gone through the records. The short question before me is whether cancellation of allotment of the quarters in question was done after following due procedure of law and after giving proper opportunity to the applicant. On going through the reply filed by the respondents, I find that

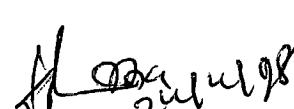


nowhere has it been stated by them that ~~they have~~ given an opportunity to the applicant to state his case in writing before passing of the order of cancellation of allotment of quarters under challenge though the applicant was charged by a disciplinary proceeding by filing a charge sheet on 7.8.1996. It is found that the applicant made a representation 20th August, 1996, to the Dy. Chief Personnel Officer (W), Chittaranjan Locomotive Works, Chittaranjan (annexure 'A/3' to the application), after receipt of the order for vacating the quarters within 7 days. No opportunity of being heard and no show-cause was issued upon him before the cancellation of allotment of quarters by the competent authority.

5. In view of the aforesaid circumstances, without entering into the merit of the case, I find that the allotment order was cancelled violating the principles of natural justice and denying the applicant the opportunity to state his case for the purpose of cancellation of allotment of quarters in question. Therefore, the entire action of the respondents is violative and against the principles of natural justice and as such the order of cancellation of allotment of the quarters is liable to be quashed. However, I find that the allegation of subletting should be adjudicated by the competent authority, as per rules.

6. Accordingly, the respondents are directed to proceed with the enquiry initiated against the applicant, if they think it fit and proper, in accordance with the rules and this application is disposed of after setting aside the order of cancellation of allotment of quarters dated 31.7.1996 (annexure 'A/2' to the application).

7. No order is passed as to costs.


(D. Purkayastha)
Judicial Member