

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 597 OF 2011

Tuesday, this the 12th day of July, 2011

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

V.Sudhakaran
Quarters No. Type 1/A-1
Pampa Vihar, Old DRDO Residential Complex
Palluruthy, Cochin -6
(Working as Unskilled Labourer Material Organization,
Naval Base, Kochi) ... Applicant

(By Advocate Mr. S.Sreekumar)

versus

1. Union of India represented by the Secretary
Ministry of Defence
101 South Block, New Delhi – 1
2. The Flag Officer Commanding in-Chief
Southern Naval Command
Naval Base, Cochin – 4
3. Administrative Officer for
Material Superintendent
Barrack Stores Office
Fort Kochi, Cochin - 1 ... Respondents


(By Advocate Mr.Sunil Jacob Jose, SCGSC)

The application having been heard on 12.07.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant is employed as a Peon in the Southern Naval Command, Cochin. He is occupying Quarter No. Type 1/A-1 at Pampa Vihar, Old DRDO Residential Complex, Palluruthy. Based on a complaint from the neighbour occupying the quarters next to the applicant alleging that the applicant had misbehaved with his daughter who is aged 18 years and prima facie satisfied about the allegation, the applicant was asked to



vacate the quarters after giving him 30 days notice. Impugning the said order produced as Annexure A-4 dated 31.05.2011 the applicant has approached this Tribunal. When the matter came up on 04.07.2011, the respondents were asked to get instructions in the matter and accordingly the same has come up today.

2. According to the applicant, the complaint is only an allegation and not a fact proved after giving him an opportunity of being heard. According to him, he is a Peon who would find it difficult to find an accommodation elsewhere for the meager amount which he is now paying as licence fee. He is also a handicapped person. In the above circumstances he prays that Annexure A-4 be set aside.

3. We have heard Mr.S.Sreekumar, the learned counsel for applicant and Mr.Sunil Jacob Jose, the learned SCGSC for the respondents. Counsel for respondents submits that this is not the first occasion where the applicant is involved in such type of misbehaviour. Though on earlier occasions it has not resulted in any proceedings as such against the applicant. Further it is only after the preliminary inquiry held, the Estate Officer was convinced that a prima facie case against the applicant. A show cause notice was also issued and the reply was obtained. The contention that principles of natural justice was denied, has no merit. Such type of misbehaviour for the limited purpose of enabling the department to order vacation of the premises does not require a pre decisional hearing by way of any domestic inquiry. As the discipline in the quarters has to be maintained at all cost and the Estate Officer being satisfied of prima facie case, we do not find sufficient ground to interfere

with the said decision. The quarters which he is occupying is allotted on the basis of licence issued by the Estate Officer. The licence is liable to be cancelled at any time when behaviour of the applicant, prima facie proved conducive to affect the peaceful atmosphere for a family to live in, when the Estate Officer is satisfied and show cause notice was issued and the explanation received, there is no further requirement in law to be complied with in the factual situation. Accordingly, we are not interfering in the order now issued vide Annexure A-4 (1). The OA is **dismissed**. No costs. Issue copy of the order to the parties.

Dated, the 12th July, 2011.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

VS