

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 238 OF 2011

Wednesday, this the 10th day of August, 2011

CORAM: HON'BLE Dr. K.B.S. RAJAN, JUDICIAL MEMBER

P.K. Thankappan
S/o. K. Kochayyappan
Postman, Kannur Civil Station (P.O)
Residing at Postal Staff Quarters
Type P II/6, Kazanakotta, Kannur – 670 012. - Applicant

(By Advocate Mr. P.C. Sebastian)

Versus

1. The Superintendent of Post Offices
 Kannur Division, Kannur – 670 001.
2. The Director of Postal Services
 Northern Region, Kozhikode – 673 011.
3. The Union of India
 Represented by its Secretary
 Ministry of Communications & I.T
 Department of Posts, New Delhi – 110 001. - Respondents

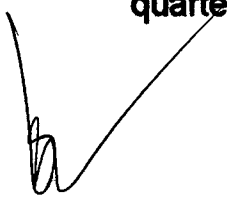
(By Advocate Mr. Thomas Mathew Nellimoottil)

The application having been heard on 10.08.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr. K.B.S. RAJAN, JUDICIAL MEMBER

The matter is simple. The applicant was allotted Government accommodation (Type PII/6 Staff Quarters, Kannur Staff Quarters) vide Annexure A-1. By Annexure A-2 communication the applicant was directed to vacate the accommodation on the ground that it was learnt that the said quarter is occupied by someone else and not by the applicant. Appeal filed



by the applicant dated 04.02.2011 stood dismissed by order dated 25.02.2011. On 04.03.2011, the applicant was again asked to vacate the accommodation. The applicant has challenged the order directing eviction of accommodation and rejection of the appeal through this Original Application. Earlier, a status quo order had been passed by this Tribunal and the applicant continues in the said accommodation.

2. Pleadings were exchanged.

3. Counsel for the applicant argued that the allotment of accommodation to the applicant was in accordance with the rules relating to the allotment of Government quarters. For the purpose of eviction, certain laid-down procedure has been prescribed and no eviction can take place without following such laid-down procedure. In the instant case, on the basis of some information, without even issuing a show cause notice, the respondents have issued order for vacation of accommodation. The applicant in his appeal has submitted that it was for a temporary period, for a couple of weeks that a close relative of the applicant (nephew) was allowed to stay in his accommodation along with the applicant. Normally, close relatives are permitted to stay. In any event, non following the prescribed procedure, in matters of eviction from Government accommodation is clear violation of principles of natural justice.

4. Counsel for the respondents invites my attention to Annexure-R(a) to the reply, which provides for the condition of seeking prior permission in case the allottee as to have somebody else to share the accommodation. This

provision not having been followed by the applicant, he was directed to vacate the accommodation.

5. Arguments were heard and documents perused. Non-furnishing of information or non-seeking of permission for sharing the accommodation is one aspect and eviction is another aspect. If the applicant has failed to perform his duty, the Department has to handle the same by adopting the procedure for eviction of accommodation as provided for in the relevant service rules. As long as this has not been complied with, mere direction to vacate vide Annexure A-2 and Annexure A-6 would not meet the requirement of compliance with principles of natural justice. As such, Annexure A-2, A-5 and A-8 orders are liable to be quashed and set aside. It is accordingly ordered.

6. Needless to mention that if the authorities desire to proceed with eviction of the applicant from the allotted accommodation, they are at liberty to take necessary action in accordance with law. O.A is allowed to the above extent.

7. No order as to costs.

(Dated, the 10th August, 2011.)



Dr. K.B.S. RAJAN
JUDICIAL MEMBER

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