

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.No.25/96

Date of Decision 15/3/96

A. Rajendran Petitioner

Shri B. Ranganathan Advocate for the Petitioner.

Versus

Union of India & Others Respondent

Shri V. S. Masurkar Advocate for the Respondents.

Coram:

The Hon'ble Mr. V. Ramakrishnan, Member (A)

The Hon'ble Mr.

1. To be referred to the Reporter or not? *No*
2. Whether it needs to be circulated to other Benches of the Tribunal? *No*


(V. RAMAKRISHNAN)
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG. NO.6, PRESCOT ROAD, 4TH FLOOR,
MUMBAI - 400 001.

ORIGINAL APPLICATION NO.25/96.

DATED THE 15TH DAY OF MARCH, 1996.

CORAM : Hon'ble Shri V.Ramakrishnan, Member (A).

A.Rajendran ... Applicant
(Advocate by Shri B.Ranganathan)

V/s.

Union of India & Others ... Respondents
(Advocate by Shri V.S.Masurkar)

X O R D E R X (O R A L)

X Per Shri V.Ramakrishnan, Member (A) X

The applicant who is a Driver in the establishment of Naval Dockyard is aggrieved by the action of the respondents in cancelling the allotment of Government Accommodation by their order dated 13/12/95 which is enclosed as Annexure A-8.

2. I have heard Shri Ranganathan for the applicant and Shri Masurkar for the respondents.

3. Certain allegations were levelled against the applicant such as misbehaviour with the security staff in the colony and also unbecoming conduct with a lady teacher in the class room of Sisu Vikas School. The applicant was suspended and disciplinary proceedings are pending against him. Initially, the authorities issued a show cause notice dt. 23/11/95 asking him to explain as to why the allotment of the official accommodation should not be cancelled (Annexure A-4). He furnished his reply dated 24/11/95 as at Annexure A-5. The authorities however proceeded to cancel the allotment by their order dated 13/12/95. Initially, the applicant had also sought for quashing of the Suspension order but has since restricted his prayer in the present OA only for quashing the order cancelling the allotment of Government residence.

4. I notice from the show cause notice dated 23.11.95 as at Annexure A-4, that he was asked to explain complaints pertaining to his alleged misbehaviour with Security Staff, abusing the security supervisor and also vandalising the Security Office. In para 2(b) of the Show Cause Notice, he was also charged with misbehaviour with a lady teacher of the Sisu Vikas School where he had supposedly gone in a state of drunkenness. Para 2(b) of the Show Cause Notice reads as follows :-

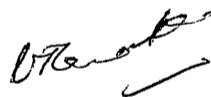
" On 22 Nov., 95, at approx 14.30 hrs. Smt. J.L. Chowdhry, teacher of Shishu Vikas School that you made obscene gestures to her. You thereafter unauthorisedly entered the class-room of Shishu Vikas School and sat beside Smt. Chowdhry. Smt. Kadam, W/o. P.D. Kadam, Sr. Foreman, states that you were smelling very badly of alcohol and drunk. She asked you to leave the school. You followed her out of the school upto D. building and continued to abuse her and her husband. Smt. Kadam has stated that you abused Captain Ahluwalia, D.G.M. (P&A) in most foul and unparliamentary language."

There were also another allegation that he tried to intimidate Shri S.K. Awasthi, who is a Senior Chargeman in the establishment. In reply to Show Cause Notice, the applicant had denied the allegations and has also contended that infact the security staff had assaulted him and he had complained to police in this regard. He specifically stated that he did not go to the Shishu Vikas School and enclosed with his explanation a statement from Smt. Chowdhry, the lady teacher in Shishu Vikas School where she has stated that the allegation of misbehaviour which is mentioned in Show Cause Notice was false. The explanation was to have been considered by the Officer who had issued the Show Cause Notice but he had repeated in his order dated 13.12.1995 (Annexure A-8) virtually what was contained in the Show Cause Notice.

There is nothing at all to show in this order that the concerned officer had applied his mind to the representation given by the applicant with which he had enclosed a letter from the lady teacher who had clearly denied the allegations of misbehaviour with her. There is not a single reference in this order to indicate that the officer had even noted the defence of the applicant not to speak of considering it carefully and coming to a well reasoned conclusion. This clearly shows that the order dated 13/12/95 cancelling the allotment has been passed without application of mind and as such this has to be quashed.

5. I, accordingly quash this order at Annexure A-8 dated 13/12/95 making it clear that the concerned authorities are at liberty to take further necessary action in accordance with law and should pass a reasoned and appropriate order after applying their mind to the explanation offered by the applicant to the show cause notice.

6. The application is finally disposed of as above without any order as to costs.



(V. RAMAKRISHNAN)
MEMBER (A)

abp.