

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 779/91

199

T.A. NO:

DATE OF DECISION 9-6-92

N.M.Sayyed

Petitioner

Mr.G.S.Walia

Advocate for the Petitioners

Versus

Union of India

Respondent

Mr. Subodh Joshi

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman

The Hon'ble Mr. M.Y.Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

N.D

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(S.K.Dhaon)
Vice-Chairman

mbm*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY

Original Application No. 779/91

(8)

Shri M.M.Sayyed
Bombay

Applicant

vs

Union of India through
General Manager,
Central Railway,
Bombay

Respondent

Coram: Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman
Hon'ble Mr. M.Y.Priolkar, Member(A)

Appearance:

Mr. G.S.Walia for the
applicant

Mr. Subodh Joshi for the
respondent.

Dated 9-6-92

Oral Judgement
(Per: Mr. Justice S.K.Dhaon, Vice-Chairman)

By order dated 18-9-1991, for subletting quarter No. RB.III/C/11 at Mazgaon, the allotment made in favour of the applicant had been cancelled. The applicant was also directed to pay certain damages. The said order has been impugned in the petition. On 7-1-1992 counsel for the respondent was granted four weeks time to file reply. Time was again allowed on 28-2-1992 to file reply. Due to ~~default on the part of~~ the respondent, time was again granted on 9-4-1992. No reply has been filed so far. We are not granting any further time.

In para 1 of the petition the applicant has prayed for quashing and setting aside the order dated 18-9-1991.

It is apparent from this impugned order dated 18-9-1991 that the allotment has been cancelled and damage~~rent~~ ordered to be recovered from the applicant, without giving him any opportunity to show cause before that order was passed, which is violative of the principles of natural justice.

The application is therefore allowed and order dated 18-9-1991 is quashed. We, however, make it clear that the respondents may pass a fresh order after giving an opportunity to the applicant to show cause against cancellation of the allotment and charging of damages or penal rent. The petition is disposed of with these directions with no order to costs.

(9)

(M.Y.Priolkar)
Member(A)

(S.K.Dhaon)
Vice-Chairman