

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 796/91

Transfer Application No: --

DATE OF DECISION: 19-7-94

Shaikh Azim Farid Naikwadi Petitioner

Mr.G.S.Walia Advocate for the Petitioners

Versus

Union of India & one anr. Respondent

Mr.J.G.Sawant Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S.Deshpande, V.C.

The Hon'ble Shri --

1. To be referred to the Reporter or not ? *M*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *M*

*M.S.D*  
(M.S.DESHPANDE)  
VC

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.796/91

Shaikh Azim Farid Naikwadi .. Applicant

-versus-

Union of India & one anr. .. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande  
Vice-Chairman.

Appearances:

1. Mr.G.S.Walia  
Counsel for the  
Applicant.
2. Mr.J.G.Sawant  
Counsel for the  
Respondents.

ORAL JUDGMENT: Date: 19-7-94  
(Per M.S.Deshpande, V.C.)

Heard Mr.G.S.Walia for the applicant and Mr.J.G.Sawant for the respondents. The only question which arises for consideration in the present case is whether order dated 9-10-91 cancelling the allotment of railway quarter is a sequel to a raid conducted in the night between 10th and 11th September, 1991 can be allowed to operate if it came ~~to be~~ to be passed without issuing a showcause notice to the applicant.

2. Shri J.G.Sawant counsel for the respondents states that here the provisions of Public Premises (Eviction of Unauthorised Occupants Act) 1971, would not apply. If eviction proceedings are to be taken then only the provisions of Act would apply and for cancellation of allotment a notice would be <sup>not</sup> necessary. He also points out that allotment and cancellation are made under rules and

in the rules there is no provision for giving notice before effecting cancellation.

2. The argument itself shows that the principles of natural justice ~~are~~ which require a show cause notice to be issued if civil consequences follow~~ing~~ have not been excluded from the rules. It is therefore necessary for the departmental authorities to follow the principles of natural justice if ~~amalgam~~<sup>ation</sup> already made is to be cancelled upon ~~amalg~~<sup>ation</sup> allegation that the whole or part of the premises have been sub-let. Since the principles of natural justice ~~have~~ been flouted the order dated 9-10-91(Ex. 'A') cannot be supported and it is quashed. Liberty to the respondents to take action if necessary after giving a notice to showcause and following the procedure in accordance with law.

3. The application is disposed of accordingly.

  
(M.S.DESHPANDE)  
Vice-Chairman.