

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-38.

Dated:

APPLICATION NO(s) 936 of 1993.

APPLICANTS: T.R.J. Pai v/s. RESPONDENTS: Estate Manager, DRDO,  
Bangalore-93.

TO.

1. Sri.C.Krishna, Advocate,  
No.25, G-Sixth Street,  
Ulsoor, Bangalore-8.
2. The Estatemanager,  
D.R.D.O. Township,  
C.V.Raman nagar post,  
Bangalore-93.
3. Sri.M.S.Padmarajaiah,  
Sr.C.G.S.C., High Court Bldg,  
Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by  
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the  
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal  
in the above mentioned application(s) on 04-01-1994.

*Se Shauver*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

*OK*  
Received  
a copy please  
forward to  
Advocate for  
Applicant  
25/1/94

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

APPLICATION NO. 936/1993

DATED THIS THE FOURTH DAY OF JANUARY, 1994

Present: Mr. Justice P.K. Syamsunder, Vice Chairman

Mr. V. Ramakrishnan, Member(A)

Shri T.R.J. Pai  
Quarter No. B 2/12  
DRDO Township  
Sir C.V. Ramannagar Post  
Bangalore-560 093

.... Applicant

By  
(Shri C. Krishna, Advocate)

Vs.

Estate Manager (DRDO:GOI)  
DRDO Township  
Sir C.V. Raman Nagar Post  
Bangalore-560 093

... Respondent

(Shri M.S. Padmarajaiah, S.C.G.S.C.)

O R D E R

Mr. Justice P.K. Shyamsunder,  
Vice Chairman.

Heard.

Admit.

This application is filed by one Shri T.R.J.

Pai, serving in LRDE, Bangalore, a defence unit. He is aggrieved by an order made on 9th of August, 1993 (Annexure-D) cancelling the quarters allotted to him earlier by an order dated 6th January, 1992 produced at Annexure-A. The cancellation is based on the ground, as could be seen from Annexure-D that he was found to have sub-let the same. Such sub-letting being <sup>vi</sup>contravention of the Allotment Rules of R&D, the allotment of the premises was cancelled with a direction to handover the possession of the said premises against which the



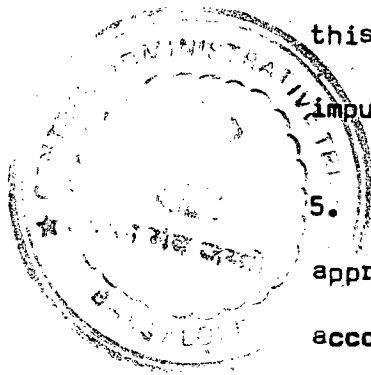
applicant made a representation to the Estate Manager, reply to that representation an order dated 27.9.1993 (Annexure) was made reiterating the cancellation of the quarter. Subsequently, another order was passed at Annexure-G alleging that as he had not surrendered the quarter on the due date he was called upon to show cause as to why he should not be evicted from the quarters on or before 22nd October, 1993. The applicant then made a further representation (Annexure-H) which however, did not find favour, but reiterated confirmation of the cancellation of quarter vide Annexure-J. A further endorsement at Annexure-K was issued directing the Estate Manager to take possession of the premises after evicting the applicant.

2. The facts of the case are somewhat curious. Admittedly, Shri Pai was allotted a quarter way back in January 1992 as per Annexure-A and was in possession of the same. Later in the month of March 1992, he was asked to share the official quarter with a colleague of his, viz., Smt. Vijayalakshmi, a Lower Division Clerk, in the same unit and that by the order at Annexure-B, dated 18th March, 1992. Thereafter, a body called SLOAN Committee, which in expanded terms means Subletting of Accommodation Committee, had found the applicant to have sub-let the premises totally to his colleague, Smt. Vijayalakshmi and therefore, he was said to have committed violation of the allotment rules deserving eviction and that is the reason for passing the order under Annexure-D, which has been confirmed over and over again through Annexures, F, J&K. The applicant made representations one after the other as per Annexures-E and H explaining his position and totally denying that he had sub-let the premises to Smt. Vijayalakshmi but had been sharing the premises with her in the light of the order made by the department under Annexure-B authorising him to share the quarter with the said Smt. Vijayalakshmi.

3. We have heard the learned counsel for the applicant and learned Standing counsel. We do agree however tenable or valid the order under which the cancellation of official quarters allotted to the applicant was made, nonetheless it was necessary to have held an appropriate enquiry before making any order in that behalf, in particular, so with the report of the Sloan's committee that was admittedly not disclosed to the applicant and what is more from the proceedings we find <sup>at</sup> that the members of the Sloan's committee had/no time examined the applicant and ascertained from him as to what the position was in regard to the occupancy of the allotted quarters.

4. In this view of the matter, it seems to us that the orders impugned herein are all in gross violation of the principles of natural justice and also attracts serious civil consequences harmful to the applicant. As a result, now the applicant is in danger of losing possession of the quarter which is rented out to him at subsidised rates by Government. The principle of fair play require that he should have been heard before any action was taken to recover possession of the allotted quarter from him. It is on this short ground this application succeeds and is allowed. The impugned orders at Annexures-D, F & J shall stand quashed.

5. The department will be at liberty to take any appropriate action after holding an appropriate enquiry in accordance with law and upon following the principles of natural justice. No costs.



TRUE COPY

SECRETARY  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

Sd-  
(V. RAMAKRISHNAN)  
MEMBER (A)

Sd-  
(P.K. SHYAMSUNDER)  
VICE CHAIRMAN