

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE- 560 038.

Dated: 14 DEC 1994

APPLICATION NO: 1298 of 1994

APPLICANTS:- Sri. B. Nagappa,  
V/S.

RESPONDENTS:- The Secretary, Mo Defence, New Delhi & Others.

I.

1. Sri. K. Ramadasan, Advocate, No. 306,  
Subedar Chattram Road, Bangalore-560009.
2. The Scientific Adviser,  
Ministry of Defence,  
South Block, New Delhi-110011.
3. Sri. M. Vasudeva Rao,  
Addl. Central Govt Sleg Counsel,  
High Court Bldg, Bangalore-1

Subject:- Forwarding of copies of the Order passed by the  
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above  
mentioned application(s) on 06.12.94

Issued on

14/12/94



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for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NUMBER 1298 OF 1994

TUESDAY, THIS THE 6TH DAY OF DECEMBER, 1994.

Mr. Justice P.K. Shyamsundar,

.. Vice-Chairman.

B. Nagappa,  
S/o Chikka Rangappa,  
Aged about 49 years,  
Working as UDC, in the office  
of Aviation Electronics,  
Inspection Specification and  
Documentation Authority,  
Directorate of Technical Development  
and Production (AIR), Ministry of Defence,  
Jalahalli Camp Road,  
Yeshwanthapur, Bangalore-560 022.

.. Applicant.

(By Advocate Shri K. Ramadasan)

v.

1. Union of India,  
by Ministry of Defence,  
Directorate of Technical Development  
& Production (AIR) Government  
of India, South Block, DHQ.P.O.  
New Delhi-110 011  
represented by its Secretary,  
(Production)
2. The Director,  
Directorate of Technical Development  
and Production (AIR), Ministry of  
Defence, Government of India,  
'H' Block, New Delhi-110 011.
3. The Officer-in-Charge,  
Aviation Electronics Inspection  
Specification and Documentation Authority,  
(ALISDA), Directorate of Technical  
Development and Production (AIR),  
Ministry of Defence, Jalahalli Camp Road,  
Yeshwanthapur, Bangalore-560 022.

.. Respondents.

(By Standing Counsel Shri M. Vasudeva Rao)

ORDER

Heard. Admit.

2. The applicant who is an Upper Division Clerk in a Defence  
Establishment at Bangalore was given subsidised accommodation  
by the Officer In-Charge, respondent-3. On more than one com-



plaint received from the other house holders occupying the houses in the neighbourhood of the applicant, the department proceeded to hold an inquiry into the complaint which was all about the misbehaviour of the applicant in the vicinity and in the inquiry it was found the applicant to be not deserving of Government accommodation. In that view of the matter, the accommodation granted to him was forfeited under the impugned order produced at Annexure-A6.

3. The main grievance of the applicant is that at the inquiry he was not given an opportunity to vindicate his innocence and that the officer conducting the inquiry had relied upon material collected behind his back as a result of which his case has been wrongly decided. I called for the records and found out that the alleged inquiry has proceeded on a piece meal basis in that those who were against the applicant were examined on a particular day, their statements recorded in the absence of the applicant and thereafter the applicant was called and his statement recorded. All this was done without furnishing him the materials, all furnished by those who had taken occasion to complain against the conduct and behaviour of the applicant.

4. The learned standing counsel who appears in support of the department maintains that for cancelling the accommodation granted by Government, no inquiry is necessary at all and that some inquiry was held in order to assure the authorities the justness and appositeness of the action taken for cancellation of official accommodation. He says that the inquiry was not held for the purpose of stigmatising or punishing the applicant. The counsel for the applicant however, maintains that whatever be the intentions of the authority in holding the inquiry, the end result was of casting aspersions on the conduct of the appli-

cant which indeed has resulted in social ostracisation and therefore his client has every reason to be aggrieved by the impugned order passed on the basis of the material collected behind his back. He also maintains that the impugned order could not have been passed by the authorities who were responsible for it and that the Rules under which the impugned action was taken really do not cover the case of the applicant and his genre.

5. Be that as it may, it is pointed out on behalf of the department that the applicant had a valid right of appeal to the Scientific Adviser to the Ministry of Defence under Rule 32 of the Allotment of Government Residential Accommodation (R & D Common Pool) Rules, 1992 (For short 'the Rules'). Although there is some dispute about the applicability of the Rules, the fact remains the allotment itself has been made under the Rules in question. The allotment having been made and accepted under the Rules and those Rules providing for a right of appeal, under the circumstances, it seems to me that it is just and proper to direct the applicant to prefer an appeal to the Scientific Adviser, Ministry of Defence. To enable him to do so, I grant him one month's time from this day. The Scientific Adviser on receipt of such an appeal will proceed to dispose of the same in exercise of the appellate powers provided under Rule 32 of the Rules bearing in mind the contentions raised as also the observations made in the course of this order. Till the Appellate Authority disposes off the applicant's appeal, if one is preferred within 30 days from the date of this order, no further steps will be taken to dispossess the applicant from the quarters in question. I also enjoin the applicant to maintain peace and be of good behaviour not merely till such time the appeal is disposed off, but even hereafter whether he is in the official quarters or elsewhere. I do hope that he will

abide by these instructions and would do well to abide by the same since it would be in his own interest. There will no no order as to costs. Let a copy of this order be forwarded to the Scientific Adviser to the Ministry of Defence for information and necessary action. All contentions raised herein are left open.

Sd-  
✓

VICE-CHAIRMAN.



TRUE COPY

*[Signature]*  
14/12/94

Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 038.

Dated: **28 JUL 1995**

Misc. Appln. No. 306 of 1995 in

APPLICATION NO. 1298 of 1994.

APPLICANTS: B. Nagappa,

V/S.

RESPONDENTS: The Secretary, M/o. Defence, New Delhi  
and others.,

To

1. Sri. K. Ramadasan, Advocate,  
No. 306, Subedar Chattrama Road,  
Gandhinagar, Bangalore-560 009.
2. The Scientific Adviser,  
Ministry of Defence,  
South Block, New Delhi-1.
3. Sri. M. Vasudeva Rao, Addl. CGSC,  
High Court Bldg, Bangalore-1.

Subject:- Forwarding copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/  
Stay Order/Interim Order, passed by this Tribunal in the above  
mentioned application(s) on 12th July, 1995.

Issued on

28/07/95

*[Signature]*

*[Signature]*

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

*[Signature]*

**In the Central Administrative Tribunal  
Bangalore Bench**

Sri. B. Nagappa.

**Bangalore**

By. The Secy. H/o. Defence, New Delhi

Application No. 1298 of 1994

**ORDER SHEET (contd)**

Date	Office Notes	Orders of Tribunal
		<p>(PKS)VC/(TVR)M(A)</p> <p>JULY 12,1995.</p> <p><u>ORDER ON M.A.NO. 306 OF 1995</u></p> <p>We have heard Shri M.Vasudeva Rao, learned Standing Counsel and Sri K.Ramadasan who appeared for the applicant in the original application. Herein it is pointed that the direction given in this case by disposing of the aforesaid original application directing the Scientific Adviser, Ministry of Defence to consider the appeal to be preferred by the applicant in the O.A. is not correct and a direction instead be issued to respondent-2 in the Application viz., The Director, Directorate of Technical Development and Production (AIR), Ministry of Defence, Government of India, New Delhi. Be that as it may, if the Scientific Adviser, Ministry of</p>



Date

Office Notes

Orders of Tribunal

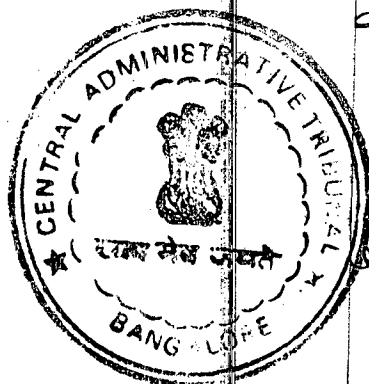
Defence considers that he is not the proper authority to dispose of the appeal to be preferred by the applicant, then if any appeal or representation is made, he should take charge of it and forward it to the appropriate Appellate Authority. With this observation we dispose of this Miscellaneous Application.

Sd-

Sd-

MEMBER(A)

VICE-CHAIRMAN.



TRUE COPY

*[Signature]*  
27/7/95  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore