

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated:- *Jun*
8 MAY 1994

637 of 1994

APPLICATION NUMBER:

APPLICANTS:

Sri.N.Arjuna
Ie.

v/s. The General Manager, Telecom Dist, Bangalore
and Others.

RESPONDENTS:

1. Sri.P.T.Sreenivasa Reddy, Advocate,
No.112,Upstairs,Cubbonpet,
Main Road,Bangalore-560 002.
2. The General Manager(Development),
Department of Telecommunication,
Telecom District,Bangalore-560001.
3. Sri.M.Vasudeva Rao, Advocate & C.G.S.C.,
High Court Building, Bangalore-1,

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

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 30th May, 1994.

S. Shashikumar
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

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CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 637/ 1994

MONDAY, THE 30TH DAY OF MAY, 1994

Shri A.N. Vujjanaradhya ... Member (J)

Shri T.V. Ramanan ... Member (A)

Shri N. Arjuna,
son of late Shri Narayanappa A.,
aged 39 years,
Wireman,
Office of the Assistant Engineer,
Trunks Tech II,
New Telecom Building,
Basaveshwara Circle,
Bangalore-1. ... Applicant

(By Advocate Shri P.T. Sreenivasa Reddy)

Vs.

1. General Manager
(Development)
Telecom District
Dept. of Tele Communication,
Bangalore-1.
2. Divisional Engineer,
Building Planning,
Dept. of Telecom,
Amenity Block,
Bangalore-1.
3. Officer-in-Charge,
Telecommunications,
Kavalbyrasandra Staff Quarters,
Bangalore-32. ... Respondents

(By Advocate Shri M. Vasudeva Rao,
Addl. Central Govt. Standing Counsel)

ORDER

Shri T.V. Ramanan, Member (A)

We have heard the learned counsel for the applicant,
Shri P.T. Sreenivasa Reddy and the standing counsel for respondents,
Shri M.V. Rao.

2. By issuing an order dated 11.3.94 (Annexure A-5), respondent No.2 has cancelled the allotment of Government Quarter No. G XIII/11 at Kavalbyrasandra held by the applicant on the ground that others were in occupation of that quarter and that the applicant had sub-let the same. This order was issued as a sequel to the show cause notice which was sent by registered post on 24.11.93 to the applicant at his residential address on 26.11.93 but which was returned undelivered with the remark "D/L not claimed" by the postal authority. The learned counsel for respondents submits that D/L means "door locked". It is not disputed by respondents that the applicant had gone on leave from 18.11.93 to 14.12.93 to attend the wedding of his brother in his native village. Thus, apparently, the postman who had taken the registered letter containing the show cause notice for delivery to the applicant at his residential address would have found the house locked and as such was not in a position to make delivery of that letter and so returned it with the aforesaid remark. The respondents should have waited for the applicant's return from leave to serve the show cause notice on him, taken his reply and finally decided the matter. Unfortunately, this was not the case. Even without giving an opportunity of hearing to the applicant, the respondents decided to issue the order as at Annexure A-5 against which the applicant has approached us with this application. Thus, the principles of natural justice have not been followed in the case of the applicant.

3. We, therefore, accept this application and set aside the order at Annexure A-5 and direct the respondents to issue a show cause notice to the applicant afresh, if they so desire, obtain his reply and dispose of the matter by passing an appropriate speaking order in accordance with law.

TRUE COPY

Sd/-

(T.V. Ramanan)
Member (A)

Se. Secretary
SECTION OFFICER 816
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-

A. N. Vujjanaradhy
(A. N. Vujjanaradhy)
Member (J)