

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 24 OCT 1994

APPLICATION NO: 1276 of 1994

APPLICANTS:- Smt. S. Vijayalakshmi,
V/S.

RESPONDENTS:- Estate Manager, IRDO Township, Bangalore-93.

To.

- ① Sri. C. Krishna
Advocate, No. 45, upstairs,
Old Madras Road,
Bangalore-560008
- ② Sri. M. S. Padmarajah,
Sr. Central Govt. Standing 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 12-10-94

Copies issued
on 24/10/94 Gah

etc

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.1276/1994

WEDNESDAY, THIS THE 12TH DAY OF OCTOBER, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI T.V. RAMANAN ... MEMBER (A)

Smt. S. Vijayalakshmi,
W/o. Sri R. Lakshminarayana
LOC, LRDE (Radar 'D'),
R/o Quarter No.8 2/12, DRDO Township,
Sir C.V.Raman Nagar Post,
Bangalore 560 093.

... Applicant

(By Advocate Shri C. Krishna)

Vs.

Estate Manager,
DRDO Township,
Sir C.V. Raman Nagar Post,
Bangalore 560 093.

... Respondent

(By Advocate Shri M.S. Padmarajaiah,
Sr. Central Govt. Standing Counsel)

ORDER

Shri Justice P.K. Shyamsundar, Vice Chairman:

Learned Senior Standing Counsel files a statement of objections and thereafter we have heard both sides.

2. It becomes clear to us the action to eject the applicant from the accommodation shared with Shri T.R.J. Pai, who was the applicant in O.A.No.936/93 appears to be totally preemptive. It so transpires that Shri Pai referred to supra was himself the repository of an order directing his ejection from the premises which he was sharing along with the applicant herein, Smt. Vijayalakshmi.

Being aggrieved by that order, he preferred an application in O.A.No.936/93 which was disposed off on 4.1.1994, by directing the department to hold an enquiry and thereafter to pass an appropriate



order after giving an opportunity to Shri Pai of being heard with regard to the alleged sub-letting of the quarter after having failed to share the accommodation with Smt. Vijayalakshmi, had instead allowed Smt. Vijayalakshmi to be in sole charge of the allotted accommodation.

4. We are told the aforesaid enquiry is underway and yet to be completed. In that situation, we fail to see as to how an order similar to the one which we had quashed on the earlier occasion should have now been issued after merely changing the tags. The impugned order is now directed against Smt. Vijayalakshmi whereas on the earlier occasion, it was directed against Shri Pai. We had held that the earlier order was bad in law because it had been issued without the applicant therein being heard and the same position persists even now. Now that we find the applicant herein Smt. Vijayalakshmi is a victim of circumstances being forced to vacate official accommodation without being heard. When the controversy against Shri Pai is still on the anvil with the enquiry being underway, we think it was not proper on the part of the administrative authorities to have underscored the right of the applicant to be in possession of the quarters during the pendency of the enquiry pending against Pai. We, therefore, allow this application and quash the impugned order at Annexure-'A'. We also direct the respondents not to disturb the possession of Smt. Vijayalakshmi until the enquiry against Shri Pai is over and an appropriate order is passed therein leaving it open to the authorities to pass suitable orders against the applicant in accordance with law and in accordance with principles of natural justice. No costs.

TRUE COPY

Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore

Sd-

(T.V. RAMANAN)
MEMBER (A)

Sd-

(P.K.SHYAMSUNDAR)
VICE CHAIRMAN