

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: **24 APR 1995**

APPLICATION NO. 228 of 1995.

APPLICANTS: Sri.D.Vasanthaseelan,
V/s.

RESPONDENTS: The Estate Manager, Research & Development Orgn.,
DRDO Complex, Bangalore and two others.

To

1. Dr.M.S.Nagaraja, Advocate, No.11,
First ~~Main~~ Cross, Secnd Floor,
Sujatha Complex, Gandhinagar,
Bangalore-560 009.
2. Sri.M.S.Padmarajaiah, Senior Central
Govt.Stng.Counsel, High Court Building,
Bangalore-560 001.

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 Tenth April, 1995.

Issued on

24/04/95

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

ORIGINAL APPLICATION NO.228/1995

MONDAY, THE TENTH DAY OF APRIL, 1995

SHRI V.RAMAKRISHNAN, MEMBER (A)

Shri D.Vasanthaseelan,
Aged 36 years,
S/o Shri D.Doraiswamy,
B-22/14, DRDO Complex,
C.V.Raman Nagar,
Bangalore-560 093.

...Applicant

Advocate Dr.M.S.Nagaraja

Versus

1. The Estate Manager,
Ministry of Defence
Research & Development Organization,
Estate Management Unit,
DRDO Township, C.V.Raman Nagar,
Bangalore-560 093.

2. The Garrison Engineer (P) (I),
Research & Development (East),
DRDO Complex, c.V.Raman Nagar,
Bangalore-560 093.

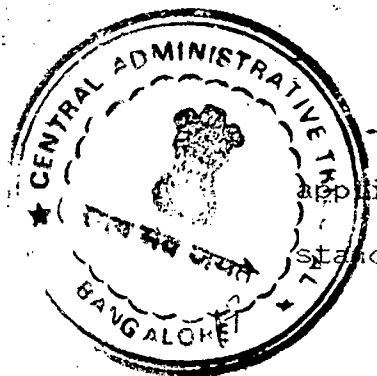
3. Union of India,
represented by
Secretary to Government,
Ministry of Defence,
Government of India,
New Delhi.

...Respondents

By Shri M.S.Padmarajaiah, S.C.G.S.C.

O.R.D.E.R
Shri V.Ramakrishnan, Member (A)

I have heard Dr. M.S.Nagaraja for the
applicant and Shri M.S.Padmarajaiah, the learned senior
standing counsel for the respondents.



2. The applicant has challenged the order of eviction from the Government quarters vide order dated 20.12.94 as at Annexure A6. It transpires that the Standing Committee of the Subletting of Accommodation (SLOAN Committee for short) had inspected the premises and had submitted a report, on the basis of which, the Board of Inquiry took the view that the applicant had totally subletted his quarters in violation of relevant allotment rules. He seems to have appeared before the Board of Inquiry and the Board, which met on 28th June, 1994 concluded that the materials furnished by the applicant in support of his case that he continued to be in occupation of the quarters could not be relied upon. The department proceeded to issue orders evicting the applicant on 20.12.1994 as at Annexure A6.

3. Dr. Nagaraja for the applicant submits that the applicant was not aware as to the materials relied upon by the department while seeking to evict the applicant. He refers to the representation of the applicant dated 16.12.94 as at Annexure A5, where he had specifically requested for a copy of SLOAN Committee report to enable him to put forth his defence in proper perspective. The learned counsel further states that the department had issued eviction order as at Annexure A6 without furnishing a copy of the report and also making a cryptic statement that the reply given by the applicant on 16.12.94 during the inquiry in reply to the show cause notice, was not satisfactory. Dr. Nagaraja

Contd...3.

says that on 16.12.1994 the applicant had specifically requested for a copy of the report so as to help him to make out a proper defence and he also does not know as to why the reply given by him before the Board of Inquiry has been held to be unsatisfactory in the absence of any speaking order. For these reasons, the learned counsel says that the eviction order should be quashed.

4. The learned standing counsel refers to the reply statement of respondents, which states that the Board of Inquiry read out the relevant portion of the SLOAN Committee report to the applicant as also shown the report to him. Dr. Nagaraja denies that the applicant was ever shown a copy of the SLOAN committee report or that the relevant portions were read out to him. He says that it is clear from the various communication received by the applicant from the department that this aspect has never been brought out nor is there any reference in the proceedings of the Board of Inquiry, (which are given as annexures to the reply statement) to the effect that the report was shown to the applicant or the relevant portions were read out to him. According to Dr. Nagaraja, this is only an after thought on the part of the department.

5. After hearing both sides and taking into account the fact that the relevant extracts of the SLOAN Committee report, the proceedings of the Board of

Inquiry and a copy of the statement stated to have been given by Smt. Manjula, who claims that she ^{was} staying in the premises allotted to the applicant have now been made available to the applicant as annexures to the reply statement of the respondents in the present OA, I quash the eviction order dated 20.12.94 as at Annexure A6 giving liberty to the respondents to proceed in the matter as per law, after giving a further opportunity to the applicant. Shri Padmarajaiah for the department submits that the department would do so by summoning the applicant and hear his further submissions on the basis of the materials now made available to him within ~~one~~ month from today. While summoning the applicant, the department should give reasonable notice of at least a week/time to the applicant. After giving an opportunity to the applicant as referred to above, the respondents should take further action as per law and to pass an appropriate speaking order.

6. With the above observations, the application is finally disposed of with no order as to cost.

TRUE CO

[Signature]
24/4/95

Central Administrative Tribunal
Bangalore
Bangalore
Gaja

Sd/-

(V. RAMAKRISHNAN)

MEMBER (A)