

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 988 /1995

Date of Decision: 23/6/96

C.G.Ramraje

Petitioner/s

Shri Suresh Kumar for Sh.B.A. Bhakad

Advocate for the
Petitioner/s

V/s.

Union of India & Ors.

Respondent/s

Shri V.S.Masurkar

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri P.P.Srivastava, Member (A)

Hon'ble Shri

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to other Benches of the Tribunal ?


(P.P. SRIVASTAVA)
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

DA.NO. 988/95

23rd
this the A day of August 1996

CORAM: Hon'ble Shri P.P.Srivastava, Member (A)

C.G.Ramraje
residing at Qr.No.84/3411,
S.M.Plot, Sector-7, Antop Hill,
Bombay 400 037.

By Advocate Shri Suresh Kumar
for Shri B.A.Bhakad

... Applicant

V/S.

1. Union of India
through Director of Estates,
Directorate of Estates,
Nirman Bhavan,
New Delhi.
2. Estate Manager
Old C.G.O.Building Annex,
101 M.K.Road, Bombay.
3. The Administrative Officer,
Films Division,
Ministry of Information &
Broadcasting, Govt. of India,
Peddar Road, Bombay.

By Advocate Shri V.S.Masurkar
C.G.S.C.

... Respondents

O R D E R

(Per: Shri P.P.Srivastava, Member (A))

The applicant is working as Peon in the
Films Division, Ministry of Information & Broadcasting.
He was allotted a quarter No. 84/3411, S.M.Plot,
Sector-7, Antop Hill, Bombay in 1989 and has been
living along with his family in that quarter since
then. Applicant was issued a letter dated 28.10.1994
placed at 'Ex.-A-1' by which his allotment was cancelled
by the office of the Estate Manager wherein it was
mentioned in Para 1 that :-

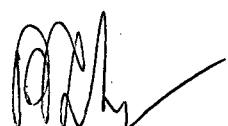
"As a result of enquiries made it
has been proved that Shri C.G.Ramraje
has not been residing in Qrt.No.3411/84,
S.M.Plot allotted to him and has sublet
the same to some unauthorised person/s
against the Allotment Rules."

In Para 7 it was mentioned that if the applicant is aggrieved by this order, he can prefer an appeal. The applicant was also given time to appeal against this order within a period of 60 days to the Director of Estates, Nirman Bhawan, New Delhi. The applicant thereafter submitted an appeal to the Director of Estates, Nirman Bhawan, New Delhi which is placed at page 49 of the OA., wherein the applicant has mentioned grounds to show that the applicant was residing in the said quarter. In that on the date when the enquiry was made, he had gone to his father-in-law's place along with his family who was seriously ill and expired on 20.1.1994 and he had asked one of his friend to look after the house in his absence. The lady who was found at the time of checking was the family friend. The Director of Estates, Nirman Bhawan, New Delhi rejected the appeal of the applicant by their order dated 6.3.1995. The counsel for the applicant has argued that this is an order which does not deal with any of the issues raised by the applicant and is an order without application of mind.

2. Counsel for the respondents on the other hand has submitted that the applicant had appeared before the Asstt. Estate Manager and has admitted that one Ms. Mumtaz was staying in the quarter with him and this is the lady who was found on the day when the checking took place. The counsel for the respondents has also brought out in his written statement that the inspection report shows that two families were residing in the house and the applicant has inducted outsiders in the house which is primarily meant for the bonafide use of the allottee and his family members only and thus the applicant has contravened the allotment rules, therefore, the action of the respondents is as per the rules.

3. Since the respondents are not questioning that the applicant is residing in the quarter or not, the various facts mentioned by the applicant to prove that he and his family is residing in the quarter are of not much use in this case. The applicant has taken pains to put on record in this OA, as well as in the appeal to the Directorate of Estates, his Ration Card, CGHS Card, copies of the postal letters and other documents to prove his bonafide residency in the quarter. However, nowhere the applicant has put on record any material to show that the lady who was found in his house during the check was not residing with him which could have been easily done by him by showing that she is residing somewhere else. Since the case of the respondents is not that the applicant was residing in the quarter ^{partially} or not but that he has [^]sublet the quarter to some other persons, the evidence produced by the applicant to show that he is residing in the quarter does not help him.

4. I am, therefore, of the opinion that the applicant has not been able to bring out any material on record to show that the applicant has not partially sublet the accommodation to someone. As far as the order dated 6.3.1995 of the Directorate of Estates is concerned, it is clear that this order has not considered any of the grounds which have been put forth by the applicant in his appeal. It is neither a speaking order nor it seems that proper application of mind has taken place while issuing the same.



5. I, therefore, quash this order dated 6.3.1995 placed at 'Ex.A-II'. The applicant would be at liberty to ~~prefer~~ an appeal to the Directorate of Estates, Nirman Bhawan, New Delhi bringing out evidence to show that he has not *partially* sublet the quarter and that two families are not living in the quarter which is allotted to him. The applicant will submit this appeal within a period of two months from the date of receipt of this order. The Directorate of Estates, Nirman Bhawan, New Delhi would thereafter consider the appeal of the applicant and pass a speaking order after giving due consideration to the appeal of the applicant. In case the applicant submits a fresh appeal as has been directed above within a period of two months from the date of receipt of this order, the order dated 28.10.1994 at 'Ex.A-I' should not be implemented till the final disposal of the appeal by the Directorate of Estates, Nirman Bhawan, New Delhi. The OA. is disposed of with the above directions.



(P.P.SRIVASTAVA)
MEMBER (A)

mrj.