

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 127/98

Date of Decision: 30.4.1998

Prahlad Varbhuvan

Applicant.

Shri M.S.Ramamurthy

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri V.S.Masurkar

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

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

(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)

R.G.Vaidyanatha
(R.G.VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.NO. 127/98

Thursday this the 30th day of April, 1998

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri P.P.Srivastava, Member (A)

Prahalad Varbhuvan,
R/o Qr.No. T/2/4, NAD (R)
Colony, Mankhurd, Mumbai.

By Advocate Shri M.S.Ramamurthy

... Applicant

V/S.

1. Union of India through
The Secretary,
Ministry of Defence,
Govt. of India,
South Block, New Delhi.
2. The Flag Officer
Commanding in Chief,
Headquarters, Western
Naval Command,
S.B.S.Road, Mumbai-1.
3. The Commodore,
Bureau of Sailors,
Cheetah Camp, Mankhurd,
Mumbai.
4. The Chief Inspector of
Naval Armaments, Naval
Armament Inspectorate,
Gun Gate, S.B.S.Marg,
Mumbai.

By Advocate Shri V.S.Masurkar

... Respondents

O R D E R

(Per: Shri Justice R.G.Vaidyanatha, VC)

This is an application filed by the applicant challenging the order dated 13.1.1998 issued by Respondent No. 2 under which the allotment of quarter allotted to the applicant is cancelled. Respondents have filed reply opposing the OA. We have heard the learned counsel appearing on both sides. Since the point involved is very short point, we are disposing of this OA. at the admission stage.


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2. The applicant's main grievance is that his allotment is cancelled by the impugned order without giving a show cause notice, thereby violating the principles of natural justice.

On the other hand, the learned counsel for the respondents contended that the gravity of offence, namely, the applicant's son is involved in a criminal case and the administration ~~has to~~ maintain peace in the area, it had to cancel the allotment of the quarter. The learned counsel for the respondents therefore justified the impugned order ~~and submitted~~ that the OA. is not maintainable and liable to be rejected and the applicant can contest the proceedings to be initiated by the respondents under the CCS Rules itself.

3. After hearing both the sides, we find that on the face of it the impugned order dated 13.1.1998 suffers from vice of being contrary to principles of natural justice. It is true that under S.R.317-B-21 the competent authority is given right for cancelling allotment on the ground of subletting or on the ground of conduct ~~being prejudicial to~~ the maintenance of harmonious relations with his neighbours ^{etc}. In order to form such an opinion, principles of natural justice ~~require~~ that the competent authority should hear ~~the~~ the applicant and could have taken whatever decision it deemed fit on the facts and circumstances of the case.

In this case, admittedly, no show cause notice was given to applicant. Therefore, we hold that the impugned order of cancellation is bad and liable to be quashed. Of course, it is open to the respondents to issue show cause notice and then pass appropriate orders according to rules. Since we are disposing of the matter on short ground, we are not expressing any opinion on the merits of the case.

4. In the result, the OA. is allowed. allotment of The impugned order of cancellation of quarter is hereby quashed. This order is without prejudice to the right of respondents to issue show cause notice and then in the light of reply pass appropriate orders according to law. All contentions of both the parties are left open. In the circumstances of the case, there will be no orders as to costs.



(P.P. SRIVASTAVA)
MEMBER (A)



R. G. Vaidyanatha
VICE CHAIRMAN

mrj.