

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 596 of 2000

Jabalpur, this the 7th day of November, 2003

Hon'ble Shri M.P. Singh, Vice Chairman

Chandra-kant Singh, S/o.  
Indra Bahadur Singh, Aged 35  
years, R/o. Q. No. 290/4, Type-I,  
MES Colony, Ridge Road, Jabalpur (M.P.). ... Applicant

(By Advocate - Shri K. Datta)

V e r s u s

1. Union of India, through  
the Chief Engineer, Min. of  
Defence, Command Lucknow,  
Lucknow, U.P.
2. The Garrison Engineer (West)  
Jabalpur, Office at Supply Depo  
Road, Cantonment, Jabalpur, M.P.
3. The Assistant Accounts Officer,  
Garrison Engineer's Office (West)  
Jabalpur, Supply Depo Road, Jabalpur  
Cantonment, Jabalpur, M.P.

... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (Oral)

By filing this Original Application, the applicant has  
sought direction to the respondents not to recover the damage  
rent and also sought direction to set aside the impugned order  
Annexure A-5.

2. The facts in brief of the case are that the applicant was allotted a Government accommodation of Type-I quarter bearing No. 290/4, MES Colony, Ridge Road, Jabalpur in July, 1996. The respondents have issued a show cause notice alleging that a surprise check was carried out by a Board of Officers to check the misuse of Government married accommodation. On physical check it was observed that the applicant had sublet the married accommodation. The applicant has submitted his reply on 28th June, 1999 denying the allegations of subletting. Thereafter the respondents have started deducting the penal rent/damage.

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rent from the salary of the applicant at the rate of Rs. 600/- per month. Hence the applicant has filed this Original Application.

3. The Tribunal vide its order dated 20th July, 2000 had restrained the respondents from deducting the panel rent from his salary, till further orders.

4. Heard both the counsel and perused the record.

5. The learned counsel for the applicant has submitted that the respondents in their reply have stated that they have served a notice to the respondents on 31st May, 1997, i.e. Annexure R-1, the said notice. but the fact is that the applicant was never served. He has also submitted that the respondents may be directed to produce a copy of Annexure R-1 as having been acknowledged by the applicant. On the other hand the learned counsel for the respondents is not able to produce a copy of Annexure R-1 as having been acknowledged by the applicant. He has submitted a copy of the judgment of the Tribunal in OA No. 71/2002 passed on 11th March, 2002 in the case of Tenilal Rajak Versus Union of India and others.

6. I have perused the pleadings and find that the present case is fully covered by the judgment dated 11th March, 2002. No notice appears to have been served on the applicant before starting the recovery of the damage rent. The applicant has not been given an opportunity of hearing which is against the principles of natural justice.

7. Having regard to the above facts the Original Application is partly allowed with a direction to the respondents to apply the principles of natural justice before effecting the recovery from the applicant, and the recovered amount be returned to the appli..



cant. The aforesaid directions shall be complied with, within a period of three months from the date of receipt of copy of this order. The order passed by the Tribunal on 20th July, 2000 is made absolute. No order as to costs.

  
(M.P. Singh)  
Vice Chairman

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मृदंगन दे/ज्ञा.....

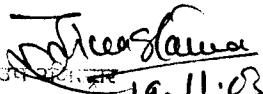
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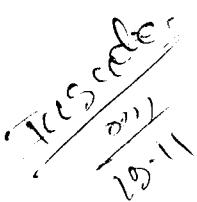
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Vice Chairman

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