

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHENNAI BENCH**

**MA 310/210/2018 & OA/310/501/2018**

**Dated Tuesday the 17<sup>th</sup> day of April Two Thousand Eighteen**

**PRESENT**

**HON'BLE MR. R. RAMANUJAM, Member (A)**

K. Pandithurai  
Motor Lorry Driver (M.L.D) on HR basis  
O/o The Executive Engineer  
Chennai Central Division V, CPWD  
Rajaji Bhawan, Chennai – 600 090. ....Applicant in both MA & OA

By Advocate Dr. P.S. Vijaya Kumar

Vs

1. Union of India, represented by  
Secretary to Govt. of India  
Ministry of Urban Development  
New Delhi - 110 011.
2. The Director General  
Central Public Works Department  
Nirman Bhawan, New Delhi – 110 011.
3. The Superintending Engineer (Civil)  
Chennai Central Circle II, CPWD  
Shastri Bhawan, Chennai – 600 006.
4. The Executive Engineer (Civil)  
Chennai Central Division I  
CPWD, Shastri Bhawan  
Chennai – 600 006.
5. The Executive Engineer (Civil)  
Chennai Central Division IV  
CPWD, Nirman Bhawan  
GPRA Campus, 100 Feet Road (J.N. Road)  
Chennai – 600 040. ....Respondents in both MA & OA

By Advocate Mr. K. Rajendran

**ORAL ORDER**

**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. MA 310/210/2018 is filed by the applicant to waive the waiting period for disposal of appeal filed before the competent authority is allowed.

2. Learned counsel for the applicant has filed this OA seeking the following reliefs:

“i. To regularise the services of the applicant as regular Motor Lorry Driver, within a time frame, with retrospective effect from 21.06.1996 with all attendant and consequential benefits

ii. To allow the OA with cost and

iii. To pass such further or other orders”

3. Learned counsel for the applicant submits that the applicant had made Annexure A12 representation dated 15.12.2017 seeking regularisation of his services as Motor Lorry Driver w.e.f. 21.06.1996. While the matter was pending, the respondents passed the impugned Annexure A18 order dated 16.03.2018 to the effect that the order dated 18.09.2006 by which residential accommodation was allotted to the applicant shall be treated as withdrawn w.e.f. 20.04.2018 along with a direction to the applicant to vacate the accommodation by the said date. Aggrieved by the non consideration of his representation and a summary order withdrawing the residential accommodation granted to him, the applicant is before the Tribunal.

4. Learned counsel for the applicant would further submit that the applicant had been in occupation of the said residential quarters for the last 12 years and could not be evicted out of it without following the due procedure. The impugned order has been passed out of the blue with just about a time limit of one month to vacate the accommodation without any previous notice much less justification. The applicant could not be evicted out of the residential accommodation without first deciding his representation for regularisation. In any case, the applicant's appointment not having been terminated and the applicant not having been transferred out of station, there was no provocation whatsoever for the impugned action, it is contended.

5. Mr. K. Rajendran takes notice for the respondents and submits that the applicant had no vested right to continue on the post of Motor Lorry Driver without being regularised. The applicant had no right to be regularised either against any vacant post and by merely submitting his representation for regularisation, he could not preempt eviction from the residential accommodation. He would add that the impugned order for withdrawal of the residential accommodation was on account of the fact that the applicant was not entitled to residential accommodation under the rules. He would, however, admit that the impugned order is silent on the grounds on which the withdrawal of the allotment order is made.

6. I have considered the matter. The impugned order regarding withdrawal of residential accommodation allotted to the applicant by an order dated 18.09.2006 appears somewhat strange as it is not clear how the allotment letter could be treated as withdrawn when the same had already been given effect to and the applicant had stayed in the residential accommodation for over 11 years. If there was any time limit mentioned in the order dated 18.09.2006 for occupation of residential accommodation by the applicant and the same was extended from time to time, reference ought to be made to such time limits and expiry thereof. There is no mention of the applicant having been advised to vacate the residential accommodation with effect from any earlier date and the applicant failing to do so. To this extent, the order does not appear to be punitive in nature. There is also no mention that the applicant's appointment to the post ceased to be effective from a particular date and, therefore, his continued occupation of the quarters was untenable. Again, if the applicant was never entitled to a residential accommodation in terms of the relevant rules, there is no reference to the same, much less an explanation of how and why the applicant was allowed to occupy it in the first place and for such a long period. Clearly the impugned order is non speaking.

8. It is not in dispute that the respondents have passed the

impugned order dt. 16.03.2018 for vacation of quarters by the applicant within the stipulated time, i.e., 20.4.2018. It is also not in dispute that the applicant has been in occupation of the residential accommodation for over 11 years. As far as eviction from residential accommodation is concerned for whatever reason, a proper procedure needs to be followed after serving due notice and allowing the occupant to represent his case. A summary order such as the one at Annexure A18 without disclosing reasons could not be sustained.

9. In the aforesaid circumstances, without entering into the merits applicant's claim for regularisation and continued occupation of the residential accommodation allotted to him, I am of the view that the ends of justice would be met in this case if the respondents are directed to consider Annexure A12 representation of the applicant dated 15.12.2017 in accordance with law and pass a reasoned and speaking order within a period of two months from the date of receipt of copy of this order. The applicant is also permitted to make a representation against Annexure A18 impugned notice regarding vacation of the residential accommodation within two weeks of receipt of a copy of this order. On receipt of such representation, the competent authority shall consider it in accordance with law and pass a reasoned and speaking order within a period of six weeks thereafter.

The respondents shall be at liberty to secure vacation of the residential accommodation thereafter on the basis of such order, if warranted, after following due procedure. Till then status quo shall be maintained.

10. OA is disposed of as above at the admission stage.

**(R. Ramanujam)**  
**Member(A)**  
**17.04.2018**

AS