

Sh. Amit Sachdeva Vs. Union of India (Uoi) and ors.

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Court : Delhi

Decided On : Apr-10-2002

Reported in : 2002VAD(Delhi)955; 97(2002)DLT967; 2002(62)DRJ809

Judge : Vijender Jain, J.

Appeal No. : C.W. No. 7509/2000 and CM. 11577/2000

Appellant : Sh. Amit Sachdeva

Respondent : Union of India (Uoi) and ors.

Advocate for Def. : Malvika Trivedi and ; S.K. Luthra, Advs.

Advocate for Pet/Ap. : Indu Malhotra, Adv

Judgement :

Vijender Jain, J.

1. Rule.

2. This writ petition can be disposed of at this stage itself.

3. The petitioner was appointed as Lecturer in Shri Ram College of Commerce University of Delhi. Under the terms of appointment the petitioner was entitled for house rent allowance. The petitioner's father was employed with Tuberculosis Associations of India. It seems that there is some disputes inter se with

Tuberculosis Associations of India and father of the petitioner. On some complaint received from TAI, respondent No. 3/University Grants Commission directed respondent No. 4, to recover the house rent allowance which was given to the petitioner.

4. Counsel for respondent No. 3 as a matter of fact has admitted that no show cause notice was issued to the petitioner. Counsel for respondent No. 3 contended that they had requested to respondent No. 4 to conduct enquiry.

5. House rent allowance which was given to the petitioner was pursuant to the service condition of the respondent. It seems that stand of respondent No. 5 was also that the house rent allowance given to the petitioner was in order. It was expected from respondent No. 3 before passing an adverse order against the petitioner to have heard the petitioner after giving him a show cause notice. Respondent No. 3 has violated the principle of natural justice.

6. As no show cause notice or any hearing was given to the petitioner the impugned order dated 6.9.99 of respondent No. 3 which is at page 63 of the paper book for recovering house rent allowance is set aside.

7. However, respondent No. 3 will be at liberty to give fresh show cause notice to the petitioner, if they so desire.

8. Rule is made absolute.

9. Writ petition stands disposed of.

10. Application also stands disposed of.

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