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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1246/2002

This the 24th day of April, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

P.D. Ekka
S/o Sh. Philip Ekka
Block No.105, D-2 Railway Colony
Tuglakabad, New Delhi

.. Applicant

(By Advocate: Sh. U.Srivastava)

Versus

Union of India, through

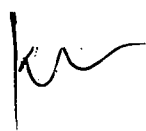
1. General Manager
Northern Railway
Baroda House, New Delhi
2. Senior Divisional Operating Manager
O/o DRM New Delhi Estate Entry Road,
New Delhi.
3. ADRM (Technical)
O/o DRM New Delhi Estate Entry Road,
New Delhi.
4. DSE(Estate),
O/o DRM New Delhi Estate Entry Road,
New Delhi.

(By Advocate: Sh. R.L.Dhawan)

ORDER (ORAL)

Applicant in this OA is seeking a direction to the respondents to regularise the Railway Quarter No. 105/D-2, Railway Colony, Tuglakabad, New Delhi in the name of applicant. Applicant is also seeking quashing and setting side the proceedings which is being initiated by the respondents for the allegation of unauthorised occupation of Railway quarter.

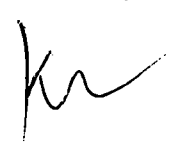
2. Facts in brief are that the applicant while working as Chief Trains Clerk at Hazrat Nizamuddin Station was allotted Railway Quarter at Tughlakabad. Applicant was transferred from Hazrat Nizamuddin Station to Panipat on 12.8.98 and



26.11.98, though he resumed his duties at Panipat on 14.1.99, as applicant submits that in the intervening period he was sick and was undergoing treatment from 30.8.98 to 16.12.98. The original order of transfer was passed on 12.8.98 and 26.11.98. Applicant was transferred back to Delhi on his own request vide order dated 26.2.2001. Applicant had been making request for retention of quarter after he was transferred to Panipat and also made a request for regularisation of quarter. His request for retention of quarter beyond one year has been rejected because as per extent Railway rules allotment of a Railway quarter can be regularised back in the name of an employee if he resumes his duty back at his previous station/area (where Railway quarter in his possession exists) within 12 months only and employee has to pay penal rent as per rules.

3. As far regularisation of the quarter is concerned, it is also a case of the department that if employee is transferred back to place of station within 12 months where he is provided the quarter only that can be regularised. In this case, since the applicant had been transferred to Panipat on 12.8.98/26.11.98 and have been transferred back vide order dated 26.2.2001 so it is a case where applicant is transferred back after 12 months, thus his request for regularisation of the quarter was also rejected on this ground.

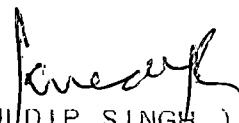
4. Since Sh. Dhawan has also pointed out that since there is no rule which permits for regularisation of quarter to an employee who had served for more than 12 months at another station than the place where he has been allotted quarter and as such as per rules quarter can not be regularised in the



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name of the applicant. In view of this rule position the quarter in question cannot be regularised in the name of applicant as admittedly he had been posted to Panipat where he remained for more than 12 months.

5. In view of the above, I find that OA has no merits and is accordingly dismissed.


(KULDIP SINGH)
Member (J)

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