

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.89/99

M.A.606/99

M.A.81/99

(b)

SHRI R.K. AHOOJA, MEMBER(A)

New Delhi, this the 21 day of May, 1999

1. Smt. Roshni Devi
Wife of Late Shri Bhim Singh
(who was working as J/Peon at
General Branch,
Baroda House, New Delhi
2. Shri Gopal Singh
working as Luggage Porter
under Chief Parcel Supervisor
Northern Railway, New Delhi

R/o Railway Qr. No.15/2
Sarojini Nagar, New Delhi Applicants
(By Advocate: Shri K.K. Patel)
Versus

1. Union of India
through the General Manager
Northern Railway
Baroda House, New Delhi
2. The Divisional Superintending Engineer(Estate)
Northern Railway
Baroda House, New Delhi
3. Asstt. Personnel Officer(APO, Bills)
D.R.M.S. Office
Northern Railway
Baroda House, New Delhi Respondents
(By Advocate: Shri R.L. Dhawan)

O R D E R

Applicants No.1 and 2 are respectively the widow and son of late Shri Bhim Sen, who died in service while working as Peon in the General Branch at Baroda House, Northern Railway on 16.10.1997. Applicant No.2 has been appointed as a casual labour w.e.f. 18.10.1996 during the life time of his father. He was also regularised in service w.e.f. 13.10.97 by an Order dated 26.11.1997. After the death of his father Applicant No.2 applied for regularisation of the quarter allotted to his father in his own name. The grievance of the applicant is that by an impugned Order dated 2.7.1998 his claim for regularisation was rejected without assigning any reason.

2. The respondents in their reply submit that applicant No.2 is not eligible for out of turn allotment as he does not fulfil the basic conditions laid down in the Railway Board's instructions dated 15.1.1990, a copy of which has been filed and marked as Annexure R-I.

3. In his arguments, the learned counsel for the respondents submits that the applicant No.2 was granted temporary status as a casual labour and allowed pay in the scale of Rs.750-940 w.e.f.14.2.1997. As such he was eligible also to the allotment of Govt. accommodation from that date. Since he claims that he was staying with his father, it was incumbent upon him to seek permission to share the quarter with his father and to forego the HRA. On the other hand, he submitted his representation only on 5.1.1998 for the first time that HRA may not be deducted from his salary i.e. after the father of the applicant had already expired on 15.10.97, which means that the applicant No.2 had been drawing HRA despite staying with his father in govt. accommodation.

4. I find that the request for regularisation of the quarter has rightly been rejected. The applicant No.2 had preferred to claim the HRA which either meant that it was being wrongly claimed or that he was not sharing the accommodation with his father. It was only after the death of his father that he gave an application for foregoing the HRA. In these circumstances no reliance can be placed on his statement that he never intended to claim the HRA and it was forced upon him by the respondents. The CA is accordingly dismissed.

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(R.K. AHOOJA)
MEMBER (A)

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