

Central Administrative Tribunal
Principal Bench, New Delhi.

RA-08/95 in
O.A.No.1640/94

New Delhi this the 19th Day of January, 1995.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Shri Duni Chand,
S/o Sh. Luxman Das,
R/o Rly.Qr.No.94/5,
Naya Bazar, Delhi.
2. Sh. Radhey Shyam,
S/o Sh. Duni Chand,
R/o Rly.Qr.No.94/5,
Naya Bazar, Delhi. Review Applicants

versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Estate Officer,
Northern Railway,
DRM's Office State Entry Road,
New Delhi.
3. Senior Divl. Executive Engineer/
Estate Northern Railway, DRM's Office,
State Entry Road, New Delhi. Respondents

ORDER(BY CIRCULATION)
delivered by Hon'ble Mr.B.N. Dhoundiyal, Member(A)

This review application has been filed by the applicants in O.A.No.1640/94 seeking recall of the order dated 11.11.94 of this Tribunal.

The applicant sought regularisation of the accommodation allotted to his father. A reliance was placed on provisions contained in para-3(viii) of Railway Ministry's letter dated 15.1.1990 which provides that:-

"If an employee's dependent is already drawing HRA and stops drawing the amount six months before the retirement of this employee concerned, the dependent is not eligible for allotment/regularisation of quarter."

In the review application it is contended that there is a patent error of law as the guidelines contained in Railway Board's letter dated 15.1.1990 could not have been made applicable in a case decided on 18.1.1983. It is also contended that cases of relaxation of rules granted by Railway's to other employees was not taken into account.

(X)

I have carefully considered the above contentions and have perused the relevant documents in the original file. In para-4.6 of the counter-affidavit filed on behalf of the respondents, it was averred that the applicant No.2 had not been sharing the railway accommodation with the applicant No.1, six months prior to the retirement of applicant No.1 and applicant No.2 had also been drawing HRA and was not, therefore, eligible on the policy for regularisation of the said railway accommodation. A reference to the consolidated instructions dated 15.1.1990 was made in para-C and a copy thereof was filed as Annexure R-2. The applicant availed of the opportunity to file a rejoinder-affidavit and failed either to challenge application of this provision in his case or to raise the point that this was a case of retrospective application of a circular issued on 15.1.1990. A preamble to the said compilation clearly states that what is being done by the Ministry of Railway is to consolidate the existing instructions regarding regularisation of the railway quarters and a reference has been made to the earlier letters issued on the subject. This contention of the review applicant is, therefore, not sustainable.

As regards relaxation of rules in certain cases, it is the discretion of the competent authorities to relax rules in accordance with the merit of each case and no employee can claim relaxation as a matter of right.

In view of the aforesaid considerations, the review application fails and is hereby dismissed.

B.N. Dhundiyal
(B.N. Dhundiyal)

Member(A)

13/11/93

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