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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.625/1995

New Delhi, this ~~12th~~ day of October, 1995

Hon'ble Shri B.K. Singh, Member(A)

1. Shri Dina Nath  
s/o Shri Prabhu Dayal
  2. Shri Ashwani Kumar  
s/o Shri Dina Nath  
both r/o 37/4, Railway Colony  
Kishanganj, Delhi
- .. Applicant

By Shri S.K. Sawhney, Advocate

versus

Union of India, through

1. General Manager  
Northern Railway  
Baroda House, New Delhi
  2. The Divisional Railway Manager  
Northern Railway, New Delhi
  3. Divisional Supdt. Engineer (Estate)  
Northern Railway, New Delhi
- .. Respondents

By Shri Romesh Gautam, Advocate

ORDER

This application is made against the order No.33/E.Q/1-3937/92 dated 4.8.1994 (Annexure A1).

2. The admitted facts are these. Applicant No.1, father of applicant No.2 was appointed on 1.7.1953 and was retired on 20.9.91 on being medically invalidated for the post held by him. He had rendered more than 33 years service on the date when he retired. Applicant No.1 was in occupation of railway quarter No.37/4, Kishanganj which was regularised in the name of his son on 12.7.94 (Annexure A2). Applicant No.2 was appointed as Good Clerks from 9.1.92 and it is claimed that as per extant rules, he is entitled for regularisation from



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(2)

9.1.92, as per provisions contained in Annexure A6 letter dated 21.6.90 (page 16 of the paper book). The reliefs claimed by the applicants are:

To direct the respondents to:

- (i) regularise the impugned quarter in the name of the applicant no.2 from 9.1.92;
- (ii) charge normal rent from 9.1.92;
- (iii) pay DCRG to applicant No.1 without any recovery of penal rent;
- (iv) pay penal interest @ 18% on withheld DCRG from 21.9.91 to date of payment; and
- (v) release post-retirement passes to applicant No.1

3. On notice, the respondents filed their reply contesting the application and grant of reliefs prayed for. I have heard the learned counsel for the parties and perused the records of the case.

4. The learned counsel for the applicants vehemently argued and cited instructions on the subject of the Railway Board on 'Regularisation of allotment of railway quarter in the name of dependents/wards of railway servant who retires from service or dies while in service'. These instructions indicate that if an employee possesses minimum educational qualification and is eligible for appointment in place of his father, allotment may be made on ad hoc basis on reporting for induction training and regularised on regular appointment after successful completion of induction training.

5. It is not disputed by the respondents that the applicant No.2 has qualified in the induction training and final examination.

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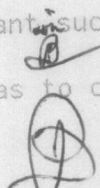




6. A copy of Railway Board's circular dated 15.1.90 was produced by the learned counsel for the applicants, a copy of which also given to the other side, and was taken on record. Para 6 of the said circular reads as under:

"The date of regularisation should be from the date of cancellation in case the eligible dependent is already in railway service and is entitled for regularisation and not from the date of issue of the orders, which was the practice being followed till now"

7. Annexure A3 clearly shows that applicant No.2 was appointed on 9.1.92. Applicant No.1 was medically decategorised and retired on 20.9.91 and therefore he could have retained the quarter for 4 months, and within four months itself his son was appointed and as such, as per extant rules, the respondents are under imperative duty to regularise the quarter in the name of applicant No.2 with effect from 9.1.92, the date of his regular appointment as Clerk. It is also clear from the rules cited above that the date of appointment will be date for regularisation and not the date of completion of the training. This being so, the impugned order dated 4.8.94 is quashed and set aside with the direction that the quarter should be regularised in the name of applicant No.2 with effect from the date of his appointment as per extant rules and instructions issued by the Railway Board. The applicant succeeds and the OA is allowed but without any order as to costs.

  
(B.K. Singh)  
Member(A)

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