

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

(14)

O.A.NO.1028/95

New Delhi, this the 19th day of July, 1996

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Shri Kishan Lal,  
s/o Ladu,
2. Shri Raj Kumar,  
s/o Shri Kishan Lal  
  
r/o Q.No.121-E,  
Railway Loco Colony,  
Delhi Sarai Rohila,  
Delhi.

... Applicants

By Advocate: Shri Yogesh Sharma

Vs.

1. Union of India  
through  
The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Bikaner Division,  
Bikaner.
3. The Chief Health Inspector,  
Northern Railway,  
Delhi Sarai Rohilla,  
Loco Colony,  
Delhi.

.... Respondents

By Advocate: Shri R.L. Dhawan

O R D E R (ORAL)

The applicants have filed this application  
under section 19 of the Administrative Tribunals Act, 1985  
being aggrieved by order dated 23.5.95 (Annexure A-1).

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(15)

By this order, the allotment of the quarter No.121-E, Railway Loco Colony, Delhi Sarai Rohilla, Delhi was cancelled on the retirement of the father on 31.5.93 w.e.f. 1.6.93 and in addition the respondents have asked them to vacate the quarter and / have also charged damage rent with effect from 1.6.93.

2. I have heard both the learned counsel for the parties and perused the record.

3. Shri Yogesh Sharma, learned counsel for the applicant has frankly admitted that the father Shri Kishan Lal, to whom the quarter was allotted, retired from the service on 31.5.93 but / did not submit any representation to the respondents for retention of the quarter for a period of four months after his retirement in accordance with the rules. He has, however, submitted that before the retirement date, the father had submitted a representation on 24.10.92 for obtaining sharing permission of the quarter with his son, who was employed with the respondents as a casual labourer from 1.1.85. Applicant No.2 has been screened for the purpose of regularisation but it is admitted that the result had not been declared so far and he enjoys only temporary status.

4. The respondents have filed reply in which they have stated that under Rule 16(7) of the Railways Services (Pension) Rules, 1993, a railway servant has to vacate the railway accommodation immediately after his retirement. Sub-rule (8) of

this Rule further provides that in case where railway accommodation is not vacated by a railway servant after superannuation, the full amount of retirement gratuity, death gratuity or special contribution to the G.P.Fund, as the case may be, can be withheld which shall be released immediately on the vacation of the railway accommodation.

5. The Full Bench of this Tribunal in a recent judgement in O.A. No.2684/93 Liaquat Ali and another Vs. UOI & anr. decided on 29.5.95 has held that a casual labourer with temporary status does not have a right for claiming regularisation of the quarter which had been allotted to his parent in accordance with the rules. Admittedly from the facts given above, applicant No.2 does not have a right for regularisation of the quarter allotted to the father while he was in service.

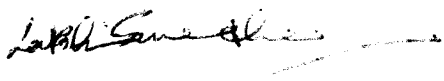
6. Accordingly, the relief claim in para 8(ii) is rejected. Having regard to the provisions of Rule 15(7) and (8) of the Railway Services (Pension) Rules, 1993, the withheld amount of gratuity cannot be ordered to be returned to him unless the applicants vacate the railway accommodation in terms of the rules.

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7. Shri Yogesh Sharma, learned counsel for the applicants, submits that in case the application is dismissed, the applicants may be allowed two weeks' time to vacate the quarter.

8. It is seen that the applicant No. 1 had not made any representation for seeking permission to retain the quarter for a period of four months which otherwise he was entitled to under the rules. Considering that the applicants are Class IV employees, the respondents may sympathetically consider such representation if made within one month from today in respect of charging rent for the accommodation in accordance with the rules treating the representation as if it had been made before the retirement of the father.

9. For the reasons given above, the O.A. is dismissed. Applicants to vacate the quarter and hand over vacant possession to the competent authority within two weeks, i.e. on or before 2.8.96. No costs.

  
(SMT. LAKSHMI SWAMINATHAN)  
MEMBER(J)

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