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Central Administrative Tribunal, Principal Bench

O.A.No.1105/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 14th day of May, 1997

Puran Mal  
s/o Shri Dhani Ram  
r/o L-92, Railway Colony  
Loko Shed  
Near DCM  
Delhi - 6. .... Applicant  
(By Shri V.P.Sharma, Advocate) Vs.

1. Union of India through  
the General Manager, Northern Railway  
Baroda House  
New Delhi.
2. The Divisional Railway Manager  
Northern Railway  
Bikaner (Rajasthan)
3. The Loko Foreman  
Northern Railway  
Loko Shed  
Delhi Sarai Rohilla. .... Respondents  
(By Shri Rajeev Sharma, Advocate)

O R D E R(Oral)

The applicant is aggrieved by the action of respondents in not regularising the allotment of quarter No.L-92, Railway Colony, Loko Shed, Delhi - 6 in spite of the applicant having been rendered surplus vide order dated 21.6.1994, Annexure-A4. Applicant claims that he was entitled for such regularisation, in terms of the policy decision of the respondents.

2. The facts of the case in brief are that the applicant who belongs to the Scheduled Caste community was working with the Railway at Loco Shed Delhi Sarai Rohilla which was closed down on 5.1.1993. As a result, all the Steam Engineers posted there were transferred to Rewari Loco Shed. The applicant claims that like his colleagues he was also transferred to Rewari Loco Shed on being rendered surplus. Respondents No.2 thereupon took a decision in consultation with the concerned Unions that

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the employees who were so transferred on being rendered surplus, would be entitled to retain their Railway quarters in Delhi. The applicant claims that on that ground he was also entitled to retain the quarter in question. However, the allotment was cancelled by the respondents on 31.1.1993 (Annexure A6). Numerous representations were made by the applicant in which he also drew attention to the Railway Board's Circular dated 14.1.1975 (Annexure A22) where in it has been stated that employees belonging to Scheduled Castes and Scheduled Tribes should be transferred very rarely and for very strong reasons only and till the allotment of accommodation at the new station be allowed to retain the previous accommodation. Similarly guidelines were laid down in the case of illness of the wife (Annexure A23). Later on the Loco Shed Rewari was also closed down in 1994 and the applicant thereupon was directed to be redeployed at the Delhi Sarai Rohilla but was not allowed to join his duties. For these reasons, applicant now claims regularisation of the allotment and also seeks a direction that the penal rent so far charged from him should be refunded and he <sup>be</sup> allowed to join his duties at Delhi Sarai Rohilla.

3. The respondents in reply have stated that the applicant was transferred not because he was rendered surplus but because he was transferred to Rewari on promotion vide letter dated 3.9.1992. His release from Sarai Rohilla was only delayed because of his written request. Therefore he was not covered by the Instructions A2 and A1 regarding the retention of the

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accommodation by surplus staff of Delhi Sarai Rohilla. A preliminary objection was also raised, on limitation, by the respondents.

4. I have heard the counsel on both sides and perused the records. Learned counsel for the respondents has produced a copy of the order regarding transfer on promotion of the applicant, which on verification has been admitted by the applicant's counsel. The learned counsel for the applicant however, submits that this transfer was not effected till the decision was taken to close down the Loco Shed Sarai Rohilla and the applicant was thus transferred to Rewari as surplus staff and even his option for that purpose had been obtained. I am unable to agree with the learned counsel that the applicant is entitled to be treated as surplus staff because of the reason that he had been allowed to continue at Sarai Rohilla since it appears that this had been entirely on the basis of representation given by the applicant on account of his domestic difficulties. The order of transfer had been issued well before a decision was taken to close down the Loco Shed. The applicant cannot therefore claim the benefit of retention of accommodation which was available only to surplus staff.

5. The learned counsel for the applicant also submits that applicant was not allowed to rejoin at Sarai Rohilla on the allegation that he had been holding railway accommodation unauthorisedly. It appears that the applicant has since retired on 30.4.1996. Therefore, no relief in respect of this can now be granted.

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6. In the light of the above discussion, the OA is dismissed being devoid of merit. No costs.

R.K. Ahuja  
(R.K. AHOOJA)  
MEMBER(A)

/rao/