

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.148 of 1997

New Delhi, this the 7th day of November, 1997

Hon'ble Mr. N. Sahu, Member (Admnv)

Smt. Kiran Bala Sethi, Widow of late
Shri Ashok Kumar Sethi, working as
Commercial Clerk under Station Supdt.
New Northern Railway New Delhi. R/o
RZ-B-12, Sita Puri, Near Dabri Village,
New Delhi.

(B)
-APPLICANT

(By Advocate Shri S.K.Sawhney)

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.

2. Divisional Supdtg. Engineer (Estate),
Northern Railway, D.R.M. Office, Chelmsford
Road, New Delhi.

-RESPONDENTS

(By Advocate Shri R.L.Dhawan)

J U D G M E N T

By Mr. N. Sahu, Member (Admnv) -

The applicant seeks a direction for allotment of Railway quarter no. 72/1, Railway colony, Kishanganj, Delhi or any other Railway quarter in lieu thereof arising out of the following facts.

2. The applicant's husband Shri A.K.Sethi was allotted Railway quarter no.72/1, Railway colony Kishanganj by the allotment committee and the orders were conveyed vide letter dated 1.1.1994. However, before he could take possession of this quarter he died in hospital on 18.1.1994. The applicant was granted compassionate appointment as Commercial

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Clerk whereafter she was sent on induction training commencing from 3.10.1994. She completed the training on 30.12.1994 and was given a regular posting. She applied for allotment of Railway accommodation allotted to her husband which was rejected by the impugned order dated 19.4.1996 on the ground that her husband died without taking possession of the quarter. 9

3. Two issues arise for consideration. Firstly, whether the allotment per se is enough and whether it should be also accompanied by occupation in order to secure the benefit of regularisation for the applicant. Secondly, as the learned counsel for the respondents points out the applicant was directed to undergo training on a fixed stipend and she only get an appointment in January, 1995 and, therefore, as the actual appointment was one year after the death of her husband, she is not entitled to claim regularisation.

4. I am not satisfied with the grounds raised by the respondents. The allotment letter arms the applicant with complete rights of occupation. It was an unfortunate coincidence that simultaneous with the allotment he was admitted into the hospital and eventually succumbed to his illness and passed out without occupying the quarter. The Railway administration has shown no sympathy for his widow. They were inconsistent in refusing this allotment when they had given compassionate appointment to the applicant. The purpose of regularisation of an

allotment in the name of an eligible dependent who dies in harness is only to help the family with a roof and not to abandon the family to wilderness. It is admitted that all other conditions for such regularisation have been satisfied, namely, the sharing of the accommodation with the deceased Railway employee for at least six months before the date of retirement or death and no HRA was claimed during the period and the family does not own a house in the place where the husband worked. The decision to allot and the subsequent allotment conveys with it complete rights of user and not taking possession would not annul those rights. If Shri Sethi was in good health he would certainly have availed of the accommodation. No rule has been shown to me to establish that the allotment had become invalid even within the short period of two weeks before which the applicant's husband died. There is a period stipulated for occupying quarters failing which after proper notice the allotment would stand cancelled. A suo moto step of cancellation because of death is arbitrary and unsupported by any rule or reason.

5. With regard to the second ground Annexure-A6 dated 21.6.1990 is an instruction of the Railway Board which says that in cases where employees possessing minimum educational qualification had to undergo induction training in

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case of compassionate appointment, the Railway accommodation should be regularised provided other conditions regarding eligibility are fulfilled.

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6. In view of the above discussion, the respondents are directed to allot either the same accommodation, if available, or another alternative accommodation to which the applicant is entitled, within six weeks from the date of receipt of a copy of this judgment. The O.A. is allowed to the extent stated above. No costs.

Narasimha Sahu,
(N. Sahu)
Member (Admin) 7/11/97

rkv.