

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.1105/94

NEW DELHI THIS THE 4TH DAY OF AUGUST, 1994.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

Ms Rita,
D/o Shri Murari Lal
R/o Qr No.151/8
Railway Colony,
Minto Bridge,
NEW DELHI.

...Aplicant

By Advocate : Shri J.K. Das

VERSUS

1. The General Manager,
Northern Railway,
Barod House,
NEW DELHI
2. Divisional Railway Manager,
Northern Railway
Office of D.R.M.
State Entry Road,
New Delhi.
3. Divisional Supdt Engineer -Estate
Office of the D.R.M.
State Entry Road,
NEW DELHI.

...Respondents

By Advocate : Shri Shyam Moorjani

JUDGEMENT (ORAL)

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

O.A.1105/94. Ms Rita Vs General Manager, Northern Railway & Ors. The father of the applicant who was working in the Central Hospital, Northern Railway, New Delhi retired from the Railway service on 30.04.92. The applicant has already joined as Safaiwala in Central Hospital, Northern Railway, New Delhi on 01.01.91. She has made representation according to the extant rules that as she has been sharing accommodation with her father, she is entitled for out of turn allotment & regularisation of the quarter. Her request was not accepted and by the Memo dated 10.02.94 MLA Smt Tajdar Babar was informed that her case has been considered

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but she is not eligible for regularisation of the railway quarter, after the retirement of her father.

2. The applicant filed this application praying that order of 10.02.94 be quashed and the Railway Quarter No.151/8, Railway Colony, Minto Bridge, New Delhi, be allotted in her favour.

3. A notice was issued to the respondents and Shri PS Mahendru, Proxy counsel for Shri Shyam Moorjani appeared^{10.6.94} and prayed for time for filing reply, which was granted till 15.07.94. On 15th July 94 none appeared for the respondents and that direction was issued that on the next date i.e. on 4.08.94 applicant and the respondents should be present. The respondents are not present nor anybody is holding brief for the respondents. The learned counsel for the applicant has been heard at length regarding admission. The applicant's counsel relied on the Railway Board letter No.E(G)85 QR 1-9 dated 15.01.90 as clarified vide their letters dt 15.3.91 and 1.7.91. In para 2 of the said circular retiree's ward was made eligible for out of turn allotment, subject to the fulfilment of the prescribed condition i.e. he had shared government accommodation for at least six months before the date of retirement or death. The same ^{was clarified} ~~case~~ ~~be allowed~~ by the Circular No.E(G)89 QR 2-21 dated 12.08.92, the Ministry of Railways Railway Board has allowed concession of out-of-turn allotment "to a married daughter of a retiring official, in case he does not have any son or in case where the married daughter is the only person who is prepared to maintain the parent(s) (Emphasis supplied) and the sons are not in a position to do so (e.g. minor sons)." The applicant has prayed for quashing of the order rejecting her representation where she has been conveyed

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that according to rules she is not eligible for out-of turn allotment. The retiree has three major sons in the family and the liability to rehabilitate their father is primarily on the sons and not on the married daughter. The Railway Board Circular is clear on the point that if sons are available to support and rehabilitate the father then in that case the married daughter will not be eligible for out-of-turn allotment of the government quarter. I find no irregularity/ illegality in the aforesaid order.

4. In view of this, we do not see any ground to interfere in the aforesaid case. The application is, therefore, dismissed. A copy of the order be sent to the respondents.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)

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