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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI:**

O.A.NO.289/94

New Delhi, this the 20th September, 1994

Hon'ble Shri J.P. Sharma, Member (J)

1. Shri Balram Dja,
s/o Shri Dharam Pal,
R/o C-100, Sarojini Nagar,
New Delhi.

working as a Khalaesi under the
Construction Organisation,
Northern Railway, Kashmere Gate,
Delhi, O/O Chief Engineer,
Kashmere Gate, Delhi.

2. Shri Dharam Lal,
s/o late Shri Ram Rattan,
R/o C-100, Sarojini Nagar,
New Delhi.

Retired as Asstt. Civilian
Staff Officer from O/O Chief
Administrative Office, Ministry
of Defence, New Delhi.

... Applicants

Vs.

1. Union of India through
The Secretary,
Ministry of Urban Development,
Govt. of India, Nirman Bhawan,
New Delhi.

2. Director,
Directorate of Estates,
Govt. of India, Nirman Bhawan,
New Delhi.

3. Estate Officer (Litigation),
Directorate of Estates,
Govt. of India, Nirman Bhawan,
New Delhi.

4. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

... Respondents

By Shri B.K. Aggarwal, Advocate

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Hon'ble Shri J.P. Sharma, Member(J)

Applicant No.2 Dharan Pal who retired as Assistant Civilian Staff Officer(A.C.S.O.) from the Ministry of Defence on 31.1.93 was allotted a Quarter No.C-100, Sarojini Nagar from the general pool. His son Applicant No.1 Balram Ojha is Khalasi employed in the Construction Organisation of Northern Railway, Office of the Chief Engineer, Kashmere Gate, Delhi. His request for regularisation of the said quarter or for allotment of another eligible type of quarter was not favourably accepted. The office of Directorate of Estates issued the order dated 24.1.94 under section 5(1) of the Public Premises (Eviction of Unauthorised occupants) Act, 1971 to vacate the said premises within 15 days and in the event of refusal by the said Dharan Pal, Applicant No.2 and all other persons concerned through him shall be evicted.

2. The applicant challenged that order and prayed that the said order be quashed with a direction to the respondents to regularise/allot the accommodation C-100, Sarojini Nagar in favour of the Applicant No.1 and further to charge normal licence fee from the applicant in respect of that accommodation.

3. The respondents contested this application and stated that the applicant cannot be given out of turn allotment because the retiree was not a Railway servant. The retiree was employed in the Ministry of Defence. The allotment has been cancelled with effect from 31.5.93 and as such he is liable to pay damage rate of rent. The Applicant No.1 has not applied allotment of Govt. quarter on retirement of his father. The applicant, therefore, has no case.

4. Shri B.K. Aggarwal appeared for the respondents and since May, 1994 none appeared for the applicant. Shri B.K. Aggarwal referred to the circular of the Railway Board dated 7.3.89 where regularisation of allotment of Railway Quarter can only be done in the name of dependent of a Railway servant who retired from or dies while in service. Therefore, the applicant No.1 cannot be considered for out of turn allotment. None is present on behalf of applicant to press their claim. In law also the Applicant No.1 being a Railway servant cannot get out of turn allotment from general pool or from the Railways. The application is devoid of merit and dismissed.


(J.P. SHARMA)
Member (J)

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