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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.No.623/94

New Delhi, This the 27th Day of May, 1994

Hon'ble Shri P.T. Thiruvengadam, Member (A)

1. Shri Tilak Raj s/o  
Late Shri Topan Lal  
Retired Driver Gr A  
Northern Railway  
Tuglakabad  
R/o Railway Quarter No.56-B  
Railway Colony  
Tuglakabad, New Delhi.
2. Miss Parvesh Kumari  
D/o Shri Tilak Raj  
working as Booking Clerk  
Northern Railway  
I.R.C.A Reservation Complex  
R/O 56-B Railway Colony  
Tuglakabad, New Delhi.

By Shri S K Sawhney, Advocate  
Versus

...Applicants

1. Union of India through  
General Manager  
Northern Railway  
Baroda House  
New Delhi.
2. Divnl Supdt Engineer (Estate)  
Northern Railway  
D.R.M. Office, New Delhi.
3. Divisional Railway Manager  
Northern Railway  
D.R.M. Office, New Delhi.

...Respondents

By Advocate Shri H K Gangwani

O R D E R (Oral)

Hon'ble Shri P.T. Thiruvengadam, Member (A)

1. Applicant No.1 was medically declared unfit and retired from service on 5.2.94. His daughter was given compassionate <sup>appointment</sup> as Booking Clerk on 31.8.82. The applicant No.2 has also passed the requisite training course held from 1.7.82 to 19.8.82. The applicants sought regularisation of the Railway Quarter earlier allotted to applicant No.1. This request for regularisation of the quarter was

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rejected vide Annexure A1 dated 2.3.94 and further the applicant No1 has been directed to <sup>vacate</sup> ~~evict~~ the Railway quarter immediately failing with <sup>e</sup>eviction proceedings were to be started against him. This OA has been filed for regularisation of the quarter and for consequential benefits like the release of DCRG along with interest and release of post retirement passes to applicant No.1.

2. The learned counsel for the applicant referred to Railway Board's instructions Annexure A-6 dated 12-6-84 on the subject of allotment of quarters to the wards of medically unfitted employees on out of turn basis and the subsequent instructions issued on 15.3.91. A reading of these instructions clearly brings out that dependents of employees appointed in the event of medical invalidation of their parent will get the Railway quarter regularised in their name. In other words the dependent should be given out of <sup>turn</sup> allotment as soon as compassionate appointment <sup>is</sup> takes place. It is not disputed that the applicant No.2 is a dependent and she was given compassionate appointment on 31.8.92. Obviously the applicant No.2 is eligible for out of turn allotment which has been denied by the respondent by Annexure A1 dated 2.3.94. In this letter no reasons have been advanced as to why ~~his~~ request for regularisation is not being granted.

3. On perusal of the relevant instructions I am convinced that the applicant No.2 is eligible for out of turn accommodation. She shall be deemed to have been allotted the accommodation to the type she is eligible with effect from the date she was appointed namely 31.8.92. From the reply it is seen that the applicant No.1 was allotted type 2 house to which applicant No.2 being Booking Clerk is eligible for

retention. Accordingly the house originally allotted to applicant No1. <sup>should</sup> be regularised in the name of applicant No.2 <sup>and</sup> from 31.8.92.

4. In view of the above, the applicant No.1 is eligible to have his DCRG released with interest from 1.9.92 and an interest of 10% per annum be paid to the applicant No.1 till such time DCRG amount is to be paid to him.

5. The penalty of withholding of post retirement passes should not arise in this case and post retirement passes should be released forthwith. The DA is accordingly allowed. No costs.

P. T. Thiruvengadam

(P.T.THIRUVENGADAM)  
Member(A)

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