

Central Administrative Tribunal
Principal Bench: New Delhi

O.A No. 1278/1994

New Delhi the 19th Day of September, 1994

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

1. Smt. Prem Lata Anand,
W/o Shri Maharaj Kishan Anand,
Head Typist, Works Branch,
Baroda House, New Delhi.
2. Shri Maharaj Kishan Anand,
retired Travelling Ticket Inspector,
Railway Station, Delhi. ... Applicants

(By Advocate: Shri B.S. Mainee)

Vs.

1. The Secretary,
Ministry of Railways
Rail Bhawan, New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
4. The Divisional Superintending
Engineer, (Estate)
DRM Office, State Entry Road,
New Delhi. ... Respondents

(By Advocate: *Sh. H.K. Gargwal*)

O R D E R (ORAL)

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

The Applicant No. 1 is the wife who is working as Head Typist since 30.7.1993 in the Works Branch of Northern Railway. She was living with her husband, the Applicant No. 2 who superannuated from the post of Travelling Ticket Inspector on 30.4.19 and was posted in Delhi in the Northern Railway. Applicant No. 2 was allotted a railway quarter 15-D, College Lane, which was Type III, New Delhi.

According to rules, Applicant No. 1 was not admittedly claiming any House Rent Allowance since the time she was sharing accommodation with her husband. She has applied for regularisation of the same quarter and after certain correspondence, the Railway Board by their letter dated December 1993 regularised the same quarter with effect from 1.8.1993. However, ignoring this letter of the Railway Board DRM New Delhi issued impugned order dated 18.2.1994 whereby it is observed that the wife is only entitled to Type II quarter since she was working as Typist on the date when her husband superannuated on 30.4.1993.

2. In this application it is prayed that the aforesaid letter of DRM be quashed and the respondents be directed to regularise quarter No. 15-D, College Lane, New Delhi in her favour. Applicant No. 2 has also prayed for payment of withheld amount of gratuity with 18 percent per annum interest and release of Post Retirement Passes.

3. On notice the respondents contested the application taking the sole point that on the date when the allottee i.e. the retiree Applicant No. 2 superannuated on 30.4.1993, the wife was entitled to only Type II quarter. It is because of the fact that she was promoted subsequently as Head Typist on 30.7.1993 being her emoluments for consideration for allotment to Type III quarter.

4. Heard the counsel of the parties. Shri H.K. Gangwani emphatically argued on the extant railway rules where the basic salary of the allottee for allotment/regularization of ward of a retiree is to be seen on the date of retirement and not on the date of extended period of retention of the allotted quarter.

5. Without going into the merits of the case when the Railway Board itself had directed regularization of the quarter in the name of the Applicant No. 1 the DRM, New Delhi, has to comply with the same.

6. The application, therefore, allowed. The respondents are directed to regularise quarter No. 15-D, College Lane, New Delhi in favour of Smt. Prem Lata, wife of retiree Shri Maharaj Kishan Anand with effect from 1.8. 1993. The respondents are directed to pay the withheld amount of the DCRG with 12% per annum interest one month after the date of retirement till the date of payment to the retiree. Costs on parties.

(J.P. Sharma)

Member (J)

Mittal