

Central Administrative Tribunal  
Principal Bench, New Delhi.

0.A.No.1640/94

New Delhi this the 11th Day of November, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Shri Duni Chand,  
S/o Sh. Luxman Das,  
R/o Rly.Qr.No.94/5,  
Naya Bazar, Delhi.

2. Sh. Radhey Shyam,  
S/o Sh. Duni Chand,  
R/o Rly.Qr.No.94/5,  
Naya Bazar, Delhi.

Applicants

(through Sh. P.L. Mimroth, advocate)

versus

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

2. The Estate Officer,  
Northern Railway,  
DRM's Office State Entry Road,  
New Delhi.

3. Senior Divl. Executive Engineer/  
Estate Northern Railway, DRM's Office,  
State Entry Road, New Delhi. Respondents

(through Sh. Shyam Moorjani, advocate)

ORDER

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Applicant No.1 (Sh. Duni Chand) retired as Ticket Collector on 30.6.1982. He was under occupation of railway quarter No.94/5, Naya Bazar, Delhi. Applicant No.2 (Sh. Radhey Shyam) is his son working as Carpenter under C.W.S.(Charge), Northern Railway, New Delhi. The applicants applied for sharing permission which was given to them vide letter dated 30.06.1982. The house rent allowance of applicant No.2 is being deducted from his salary since January, 1982. Thereafter, they submitted numerous representations for regularising this quarter in the name of applicant No.2. Instead of

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regularising this quarter, a false case was instituted against the applicants for forcible occupation of this quarter. This case was dismissed by the Special Railway Magistrate Delhi vide order dated 3.9.1984. By an order dated 2.1.1984, the Sub-Judge granted status-quo in favour of applicant No.2. On 1.12.1990, the respondents again tried to forcibly evict the applicants and a contempt application was filed. It was withdrawn when the respondents gave an undertaking that the applicants shall not be dispossessed except <sup>by</sup> due process of law. Number of instances have been pointed out by the applicants where the officers/officials have been allowed to retain the quarters in such cases on regular basis. Discriminatory treatment was also given to applicant No.1 as allotment of this quarter was cancelled only one day after his retirement. Proceedings were later instituted before the Estate Officer, Northern Railway, New Delhi who passed the impugned order dated 28.7.1994 ordering the applicants to vacate the railway quarter within 15 days of the receipt of a copy of the judgement and pay damages to the tune of Rs.23000/-.

In the counter-affidavit filed by the respondents, the main averments are these. The applicant made a representation on 3.10.1982 for regularisation of quarter which was duly considered and rejected by the competent authority vide orders dated 18.1.1983. Applicant No.2 has not been sharing this accommodation with his retired father for atleast six months before the date of retirement and is, therefore, ineligible for regularisation in terms

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of provisions of the consolidated instructions dated 15.1.1990. Applicant No.1 retired on 30.6.1982 and the applicant No.2 has been sharing the accommodation only from 14.6.1982. Applicant No.1 retired on 30.6.1982 upon attaining the age of superannuation and not earlier.

I have heard the learned counsel for the parties and perused the records. Paragraph 3(viii) of Railway Ministry's letter dated 15.1.1990 is reproduced below:-

"3. Provided that in case where the retiring employees including those who take voluntary retirement or the member of his family owns house in the place of his/her posting the specified relative will not be eligible for allotment of railway quarters on out of turn basis.

(viii) If an employee's dependent is already drawing HRA and stops drawing the amount six months before the retirement of this employee concerned, the dependent is not eligible for allotment regularisation of quarter."

draw H.R.A. till 14.6.1982 while the applicant No.1 was retired on 30.6.1982. It is clear that he is not eligible for regularisation of accommodation allotted to his father.

The application is, therefore, dismissed.

No costs.

*B.N. Dholi*  
(B.N. Dholi)

Member (A)

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