

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, DELHI.

Reg. No. OA 15 of 1989

Date of decision: 15.3.1989

Shri M.S. Mathur & another

Applicants

Vs.

Union of India

Respondents

PRESENT

Shri B.S. Maine, counsel for the applicant.

Shri O.N. Moolri, counsel for the respondents.

CORAM

Hon'ble Shri B.C. Mathur, Vice-Chairman.

This is an application filed by Shri M.S. Mathur and his son, Shri Rakesh Swarup Mathur, regarding regularisation of Railway quarter No. T.54/2, Sabzi Mandi Railway Station. A Miscellaneous Petition has been filed for joining the applications for both the persons. The respondents have also filed a Miscellaneous Petition opposing the joining of the applications as well as continuation of interim relief granted to the applicant. It was, however, agreed that the case itself could be argued and disposed of today. As such, I heard both Shri B.S. Maine and Shri O.N. Moolri on the main case and this would dispose of both the MPs.

2. The brief facts of the case are that Shri M.S. Mathur retired from service on 31.12.1987 as Assistant Commercial Officer. His son, Shri Rakesh Swarup Mathur, joined the railway service as A.C.F. in September 1982 and has been living with his father in the same quarter since 1.12.1986. According to the Railway rules, if a son shares accommodation for six months prior to the retirement of the father in whose name the quarter has been allotted and if he has not been drawing HRA during that period and if he is entitled to the same type of accommodation as his father, the son will be entitled to get regularisation of the quarter allotted to his father. Shri B.S. Maine argued that the purpose of these rules is that the father after retirement should not be thrown out of his house in which he has been living for several years and the purpose of regularisation is to ensure that he does not

have to shift to another house and may be allowed to continue with his son in the same house. In Annexure A-9 at page 27 of the application issued by the D.R.M., Delhi, it has been stated that Shri Rakesh Swarup Mathur, A.C.F., has been sharing the house with his father with effect from 1st July, 1987 and has not been drawing any HRA during this period. It is claimed by Shri B.S. Mainee that Shri Rakesh Swarup Mathur is entitled to the same category of house in which his father has been living. Shri Moolri states that Shri Rakesh Swarup Mathur is not entitled to get allotment of the same house.

3. Having heard the arguments on both the sides, I do not want to go into the legal question whether the applications can be joined or not or whether the applicant is entitled to a different quarter ~~or~~ of the same category. It is quite clear that the Railway rules provide that where a son has been sharing accommodation with his father for a period of six months prior to his retirement and where he has not drawn any HRA, he is entitled to get that house regularised. If he is entitled to get the house regularised, it is immaterial whether Shri M.S. Mathur is entitled to continue in that house or not because if the house is regularised in the name of his son with effect from 1.1.1988 and if he pays the rent according to rules with effect from that date, his father, Shri M.S. Mathur, ^{can} ~~will~~ certainly stay with him and it is only of academic interest whether he can be allowed to live in that house ⁱⁿ ~~of~~ his own right or as ~~a~~ father of Shri Rakesh Swarup Mathur. In the circumstances, it is directed that the respondents may regularise the house in the name of Shri Rakesh Swarup Mathur with effect from 1.1.1988 after satisfying themselves that he is entitled to allotment of that category of house. Subject to these observations, the application is allowed. *Then will be no orders to cast.*

B.C. Mathur
(B.C. Mathur)
Vice-Chairman