

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. 135/90

Date of decision: 28.2.1992

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Shri Panjab Singh & Another Applicants

Versus

Union of India through
the General Manager,
Northern Railway & Anr. Respondents

For the Applicants Shri Umesh Mishra, Advocate

For the Respondents Shri O.N. Moolri, Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. D.K.Chakravorty, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *NO*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. D.K. Chakravorty, Member)

The first applicant has worked in the office of the respondents as a Peon/Jamadar and he retired on 31.1.1988. Applicant No.2, who is his son, joined the service of the respondents as Electrical Khalasi on 18.9.1980. His father had been allotted Government accommodation at Quarter No. 184-B-4 Railway Colony, Paharganj, New Delhi, in which he had been staying after seeking and obtaining sharing permission from

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the respondents w.e.f. 3.11.1986. The request of applicant No.2 for regularising the said quarter in his name after retirement of his father, has not been acceded to. He has not been drawing House Rent Allowance.

2. Applicant No.2 was screened and regularised by the respondents by order dated 11.12.1989. He has prayed that the respondents be directed to regularise the quarter in question in his name.

3. The respondents have stated in their counter-affidavit that applicant No.2 is a casual labourer holding temporary status and is not a regular Government servant and on that ground, he is not entitled to the facility of allotment of the quarter. The father of applicant No.2 retired on 31.1.1988, whereas applicant No.2 was screened only on 28.11.1989/11.12.1989.

4. We have carefully gone through the records of the case and have considered the rival contentions. The regularisation of allotment of railway quarters in the name of the dependents of a railway servant who retires from service, is governed by the instructions of the Railway Board issued on 7.3.1989. According to these instructions, a dependent of a Railway servant who retired from service, should have been sharing the accommodation with him for at least six months before the date of his

(32) *[Signature]*

retirement, that he should be a Railway servant eligible for Railway accommodation and that he should not draw H.R.A. In the instant case, the sharing permission was given by order dated 4.8.1987, whereas the father of applicant No.2 retired from service on 31.1.1988. The period of six months prescribed under the instructions is short by merely four days. The condition that the dependent should be a Railway servant six months before the retirement of his father, has not been fulfilled in this case. Admittedly, applicant No.2 was regularised long after the retirement of his father.

5. In the facts and circumstances of the case, we see no merit in the present application and the same is dismissed. The interim order passed on 25.1.1990, is hereby vacated.

There will be no order as to costs.

Dulhaban 28/2/92
(D.K. Chakravorty)
Administrative Member

28/2/92
(P.K. Kartha)
Vice-Chairman (Jud.)