

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 184/90
T.A. No.

199

DATE OF DECISION 19.2.1992.

Shri Ganga Ram & Another	Petitioner Applicant
Shri B.S. Mainee	Advocate for the Petitioner(s) Applicant
Versus	
Union of India & Others	Respondent
Shri D.N. Meelri	Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. B.N. Dheunsiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

The applicant, who is the son of the allottee of a railway quarter, has prayed for quashing the impugned order dated 13.6.1989 whereby the railway quarter allotted to the allottee had been cancelled and the allottee has been called upon to vacate the quarter, failing which eviction proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, have been threatened to be initiated against him. On 2.2.1992, the Tribunal passed an interim order directing the respondents not to evict the applicant from Quarter No.52/8-5, Chhetti Mora Sarai, Delhi.

2. On 13.2.1991, a Full Bench of the Tribunal has held in its judgement that the Tribunal has the jurisdiction to adjudicate upon the matter notwithstanding the interim order passed by the Supreme Court in Union of India Vs. Rasila Ram and Others.

3. Applicant No.1 is the father of applicant No.2. He retired as Goods Marker from the Northern Railway. Applicant No.2 is employed as Parcel Porter at Railway Station, Delhi Junction. He was appointed as a casual labourer in 1979 and was regularised as Parcel Porter on 1.2.1984. From 1.1.1988, he had been staying with his father in the Government quarter in question.

4. According to the instructions issued by the Railway Board, on retirement of a railway servant, his quarter may be allotted to his serving son/daughter out of turn provided the said relation fulfils the following conditions:-

- (i) The said relation is a railway servant;
- (ii) he/she had been sharing accommodation with the retiring or deceased railway servant for at least six months before the date of retirement or death;
- (iii) no out of turn allotment of accommodation is made to any such persons if they had been drawing house rent allowance suppressing the fact that they were sharing the accommodation allotted to their father/son/husband/wife, as the case may be; and

(iv) that the scope of these orders is to be confined to such of the wards as are regular employees and that casual labour and the substitutes with or without temporary status are excluded from the purview of these orders.

5. The applicant No.2 fulfilled the above conditions. He had also undertaken that the H.R.A. paid to him be adjusted accordingly. In view of the above, the application is disposed of with the direction to the respondents to regularise Quarter No.52/8-5, Chhoti Mere Serai, Delhi in favour of the applicant No.2 from the date of the retirement of applicant No.1, his father, from Government service. H.R.A. drawn by the applicant be adjusted accordingly. The respondents shall comply with the above directions within a period of two months from the date of communication of this order. The interim order passed on 2.2.1990 is hereby made absolute.

6. There will be no order as to costs.

B. N. Dhandiyal
(B. N. Dhandiyal)
Administrative Member

10/2/92
(P. K. Kartha)
Vice-Chairman (Judl.)