

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2103/90

New Delhi, dated the 19th May, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

Shri A.N. Sharma,
S/o late Shri Nanak Chand,
R/o C-10-K, Lajpat Nagar,
New Delhi.

(Shri K.L. Bhandula, Advocate)

..... APPLICANT

VERSUS

1. Union of India through the
Chairman, Railway Board,
Rail Bhawan,
New Delhi.

2. The General Manager,
Northern Railway, Baroda House,
New Delhi.

3. Sr. Divisional Mechanical Engineer(P)/
DSE (Estate), D.R.M. Office,
Northern Railway, New Delhi.

(Shri D.S. Mahandru, proxy counsel
for Shri P.S. Mahandru, Advocate)

..... RESPONDENTS

JUDGEMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this O.A. bearing No. 2103/90 the applicant
Shri A.N. Sharma, Guard 'A' (Retired), Northern Railway has
prayed for

(i) regularisation of the railway quarter in his
occupation, in his son's name w.e.f. 1.3.90;

(ii) release of gratuity amounting to Rs.60,351/- with
interest @ 12% p.a. for delayed payment

(iii) release of two sets of complimentary passes.

2. At the outset respondents' counsel Shri Mahandru has
raised the preliminary objections that relief cannot be claimed by
an applicant in an O.A. on behalf of another who is not a party
in the O.A. It is noticed that this O.A. 2103/90 stands in the
name of, and has been signed by and filed by Shri A.N. Sharma alone.

His son is not one of the applicants in this O.A. Applicant's counsel Shri Bhandula has stated before me that the applicant's son had filed another O.A. bearing No. 2101/90 and he has produced before me a copy of the order dated 26-10-90 passed in that O.A. No. 2101/90 disposing of that O.A. at the admission stage itself with the following direction:

"The applicant shall apply for allotment of residential accommodation and/or regularisation of the quarter in possession of his father in his own name within a period seven days from today in the form prescribed for the purpose, and the respondent No.3 viz. Sr. Divisional Mechanical Engineer (P)/ DSE (Estate), D.R.M.'s Office, Northern Railway, New Delhi shall dispose of the same within a period of 15 days of the receipt of the above request by passing a speaking order and a copy of the same shall be given to the applicant. If the applicant is still aggrieved he shall be free to approach the Tribunal by way of a fresh application in accordance with law, if so advised".

3. Shri Bhandula contends that the above directions have not yet been implemented. If that indeed is so, it is open to the applicant's son to seek redress of his grievance in respect of non-implementation of the Tribunal direction dated 26.10.90 in O.A. 2101/90, in the manner prescribed by law, but as he is not a party in the present O.A. No. 2103/90 he cannot seek a direction in this O.A. to get the direction in OA 2101/90 implemented, more so because no orders have been shown to me directing O.A. 2101/90 to be clubbed with O.A. 2103/90.

Therefore, as the applicant's son is not one of the applicants in the present OA 2103/90, no direction can be given under law in this O.A. for regularising the quarter allotted to the applicant in favour of the applicant's son. Hence Shri Mahendru's objection is sustained and relief No.(1) in the present OA fails and cannot therefore, be acceded to.

4. In so far as relief (ii) is concerned, it is noted that despite the applicant having retired on superannuation w.e.f. 26.2.90 he has still not vacated the premises in question. Admittedly the retention of the quarter beyond 31.10.90 is unauthorised, and the Railway Board's circular dated 31.12.90 permits holding back of DCRG temporarily pending calculation of the exact amount of dues recoverable from a railway employee for the period of unauthorised retention of railway accommodation till the actual date of vacation. Most recently in O.A. 562/92 A.N. Bandhopadhyaya Vs. GM, N.Rly & Ors. decided by a Single Bench of the Tribunal on 14.2.95 it has been held that withholding of DCRG temporarily for the above purpose is fully permissible. This judgement discusses the relevant rulings on the subject and I as a coordinate bench am bound to follow it. Hence this prayer is rejected at this stage. Similarly, in the background of the Railway Board's circular No. ¹ dated 14.4.92, no direction can be issued to the respondents to release the applicant's post retirement passes as long as continues to retain the railway accommodation well beyond the authorised period.

5. This O.A., therefore, fails and is dismissed. No costs.

GK

Adige
(S.R. ADIGE)
Member (A)