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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 2451/90

New Delhi this the 9th Day of February, 1995.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman (J)
Hon'ble Mr. B.K. Singh, Member (A)

1. Sh. Uttam Singh,
S/o Sh. Kanwar Singh,
Khallasi, Base Kitchen,
Railway Station,
New Delhi.

2. Sh. Kanwar Singh,
Retd. Peon Jamadar,
Rly Qtr No. 106/11,
Delhi Kishanganj,
Delhi.

...Applicants

(By Advocate Sh. B.S. Mainee)

Versus

Union of India through:

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

2. The Divisional Superintending Engineer (Estate)
Northern Railway,
D.R.M. Office,
New Delhi.

...Respondents

(By Advocate Sh. P.S. Mahendru)

JUDGEMENT (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman (J)

The applicants are father and son. The applicant No. 1 Sh. Uttam Singh is the son. The controversy relates to the regularisation of the Railway Quarter allotted to the father.

2. A counter-affidavit has been filed on behalf of the respondents. The material facts are these:

3. The father was employed in the Railways and was entitled to be allotted Type-I quarter. That had been

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done. On 8.12.81, the son (applicant No.1) was engaged as a casual labour. On 10.2.83, his services were regularised. On 30.1.84, the application made by the son to share the said accommodation with his father was allowed. Thereafter, the payment of house rent allowance to the son was stopped. Sometime in 1985, the services of the son were terminated. On 31.10.87, the father retired from service. On 10.1.90, the son was reinstated in service under the orders of the Railway Board with all past benefits.

4. In the counter-affidavit filed on behalf of the respondents, two pleas have been raised. The first is the order dated 31.1.84, according permission to share the accommodation with father, lapsed on account of the termination of the services of the son in 1985.

5. The second is that the son was called upon to go to the office of the respondents to submit certain papers. He having failed to do so, the application for regularisation of the quarter made by the son could not be accepted.

6. There is an apparent fallacy in the first objection raised by the respondents. The order of reinstatement dated 10.1.90 related back to the year 1985 when the services of the applicant No.1 were terminated. Such a legal consequence is implicit in "reinstatement". After reinstatement in service, there remained no break in service or any hiatus continued. Therefore, in the eye law, the son continued to be in service of the Railways from 1985 onwards all along.


7. The second objection appears to be consequential to the first. If the reasoning given by us with respect to the first objection is correct, the order dated


30.1.84 permitting the applicant to share the accommodation with the father did not lapse, or if lapsed, stood revived on account of the order of reinstatement dated 10.1.90. The respondents unnecessarily called upon the son to go to the office and give fresh particulars.

8. In view of the aforesaid discussion, the conclusion is inevitable that the respondents have rejected the application for regularisation of the quarter in favour of the applicant No.1 on irrelevant and extraneous considerations. The order, therefore, is not sustainable. The application succeeds and is allowed. The order passed by the respondents refusing regularisation of the accommodation in favour of the applicant No.1 is quashed.

9. There shall be no order as to costs.

10. We had heard this matter on 9.2.95 in the revised list and the orders were dictated in the open Court. Thereafter, the learned counsel, Sh. D.S. Mahendru, appearing on behalf of the respondents approached one of us (Hon'ble Mr. Justice S.K. Dhaon) in the Chamber on 9.2.95 and prayed that he may be given a hearing. We have heard the learned counsel for the respondents today (10.2.95). We maintain the order dictated on 9.2.95.


(B.K. SINGH)
Member (J)


(S.K. DHAON)
Vice-Chairman (J)