

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1576 of 1991
T.A. No.

DATE OF DECISION 19.9.1991

<u>Miss. Karamjit Kaur</u>	Petitioner
<u>Shri O.P. Gupta</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India</u>	Respondent
<u>Shri P.S. Mahendru</u>	Advocate for the Respondent(s)

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The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J).

The Hon'ble Mr. Shri R. Venkatesan, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(Judgment of the Bench delivered by Hon'ble Shri Justice
Ram Pal Singh, Vice-Chairman (J).)

J U D G M E N T

The applicant by this O.A., filed under Section 19 of the Administrative Tribunal^{s/} Act, 1985, prays for quashing Annexure A and also prays for regularisation of quarter No. 74-A 5, Motia Bagh, Delhi. According to the applicant, her father, late Shri Hardit Singh, working as a Booking Clerk and residing in railway quarter No. 74A/5, Motia Bagh, Railway Colony, Delhi, was murdered on 26.4.82 while in the service of the respondents. According to the O.A., the applicant, her mother, Journail Kaur and brother, Iqbal Singh, at the time of the death of her father were residing with him in the said quarter and since then the applicant alongwith her widowed mother, younger brother and sisters, is living in the same quarter till today. The applicant is serving as a Booking Clerk in the grade of Rs. 975-1540 at New Delhi since 1985 and in the regular post since August 1990. She

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also contends that her elder brother, Iqbal Singh, was also employed as a Booking Clerk who was transferred as a Booking Clerk to Panipat Railway Station in 1988. Since then, the applicant, who is an unmarried daughter of the deceased employee, and also in the service of the respondents, is living in the same quarter though her brother from 1988, is living at the present place of his posting. The mother of the applicant filed a representation for regularisation of the said quarter in the name of her daughter, Miss Karamjit Kaur, but the respondents instead of passing an order in favour of the applicant have issued a notice (Annexure A) directing to vacate the said premises and also pay the penal rent for unlawful detention of the quarter. The applicant also filed a representation on 4.7.91, but the same remains unanswered till today. The notice in Annexure A was addressed to the mother of the applicant, Mrs. Journail Kaur, who is the widow of late Shri Hardit Singh.

2. The respondents have opposed the O.A. and contended that the applicant is not entitled to get any official accommodation regularised in her name. They further contended that the applicant was not working in the regular post but was re-engaged as a Mobile Booking Clerk by a letter dated 26.3.90 issued by the respondents. This assertion has been denied by the applicant in her rejoinder filed by her on 22.8.91. Her assertion that she is working as a Booking Clerk in a regular post in the grade of Rs. 975-1540 has not been refuted by the respondents by any documentary evidence though the respondents have admitted that the applicant is working for them. In such a situation, we are left with no option but to accept the averment of the applicant. Annexure R-1 filed by the respondents shows that the services of the applicant were regularised as a Booking Clerk. We have, therefore, to accept that the applicant is working as a Booking Clerk in the regular post.

3. The Railway Board's letter dated 4.6.83 provides for regularisation of the railway quarter in the name of the eligible railway employee if he has been sharing the accommodation with the deceased or retired father. It is to be observed that the applicant has been living in this quarter since the death of her father from the year 1982 and till she and her mother filed a representation before the

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respondents for regularisation of the quarter in the name of the applicant, the respondents did not choose to take any steps for getting the quarter vacated which was allotted in the name of the deceased father of the applicant. The respondents thus, by remaining silent for long ~~late~~^{eight} years in this regard, have permitted the applicant to remain occupying the premises after the death of her late father. This act of the respondents clearly shows that they were not interested in getting the premises vacated from the occupation of the applicant.

4. Another contention of the respondents is that the brother of the applicant is also working in the Railways as a Booking Clerk at Panipat and is residing in railway quarter at Panipat. Hence, the applicant has got a residential quarter to live alongwith her widowed mother and younger brother and sisters. Furthermore, the Railway Board's letter No. E(G)/86/QRS-2 dated 3.2.89 addressed to the General Manager, Northern Railway, further clarifies the rule that the Ministry's order dated 29.8.86 does not prevent the regularisation or allotment of the quarters to casual labour and substitutes with temporary status from allotment of railway quarters. The spirit behind the Railway rules is that the dependents of the deceased railway employee should be treated with compassion, kindness and care so that they may not be harassed and face any difficulty. That is why, the compassionate appointments are made to the dependents of the retired or deceased railway employees. The contentions of the respondents deserve rejection because the brother of the applicant who is working at Panipat as a Booking Clerk is not residing at the quarter in the occupation of the applicant who is working at Delhi and she cannot be expected to live with her brother who is posted at Panipat. In the facts and circumstances of this case, we are of the view that this O.A. deserves to be allowed on compassionate and humanitarian grounds also. Furthermore, the applicant is an unmarried railway employee of the respondents who has been sharing accommodation with her father and who was not disturbed by the respondents for the last 8 years. The O.A. is allowed and the respondents are directed to regularise Quarter No. 74A-5, Motia Bagh,

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Railway Colony, Delhi, in the name of the applicant and not to charge penal rent from her. The applicant shall be liable to pay the licence fee according to rules. Parties shall bear their own costs.

R. Venkatesan

(R. Venkatesan)

Member (A)

Ram Pal Singh
14.10.91

(Ram Pal Singh)

Vice-Chairman (J)