

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 1536 of 1992

New Delhi this the 15th day of April, 1994

(32)

Mr. Justice S.K. Dhaon, Vice Chairman

Shri Puran Kumar
R/o 64-B, DCM Railway Colony,
New Delhi.

..Applicant

By Advocate Shri Debasis Mishra

Versus

1. General Manager,
Northern Railway,
Baorda House,
New Delhi.
2. Divisional Superintending Engineer/Estate
Northern Railway, DRM'S Office,
Paharganj,
New Delhi. Respondents

By Advocate Shri K.K. Patel

ORDER (ORAL)

On 04.03.1994, I had reviewed my judgment dated 24.12.1993 passed in O.A. No.1536 of 1992. The said O.A. is now again listed for hearing.

2. The controversy relates to the allotment/regularisation of Railway Quarter No.64-B/DCM Railway Colony, Delhi (Railway Accommodation).

3. The communication dated 28-10-1991/12-12-1991 of the Divisional Superintending Engineer/Estate, Northern Railway, New Delhi to the applicant that his request for regularisation of the Railway Quarter in his name is not permissible as he had not obtained the permission of the competent authority for sharing the accommodation with his father, Shri Parbhati Ram, is being impugned in the present application.

4. The applicant was recruited as a casual khalasi in the year 1976. On 14.02.1978 he was screened. He was living with his father in the Railway accommodation which had been allotted to his father during his employment. In December, 1985, the father of the applicant retired as ^a highly Skilled Grade-I from Delhi. The applicant was residing with his father for a period exceeding 6 months prior to the

retirement of his father. The applicant made repeated representations to stop the payment of HRA, however, the order of non-payment was passed only on 19.06.1991.

5. No rule has been brought to my notice by the learned counsel for the respondents wherein it is stated that even the son/daughter should obtain the permission of the authority concerned for sharing an accommodation with his or her father/mother. The only requirement of the rule or direction is that an ad hoc allotment should be made in favour of such a dependant, who is also in Railway service, and who shared the accommodation allotted to his father/mother in his or her capacity as a Railway servant and who has either retired from service or has died. The respondents, therefore, took into account an extraneous consideration while rejecting the application made by the applicant.

6. This application, therefore, succeeds and is allowed. The communication dated 28.10.1991/12-12/1991 of the Divisional Superintending Engineer/Estate, Northern Railway, New Delhi is quashed. He is directed to reconsider the case of the applicant on merits and in accordance with law and in disregard of the view that his application for allotment/regularisation is not maintainable on the ground that he had not taken permission of the relevant authority for sharing the accommodation with his father. Till the matter is disposed of by the Divisional Superintending Engineer/Estate, the occupation of the applicant over the said accommodation shall not be disturbed. I also direct that if the authority concerned decides not to allot/regularise the said accommodation in favour of the applicant, he would be liable to pay the normal rent.

7. With these directions, this application is disposed of finally but without any order as to costs.

S.K.
(S.K. DHAON)
VICE CHAIRMAN