

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. No. 1836/92

DATE OF DECISION. 18.11.92

Sh. Pradeep Kumar

Applicant

S/s

U.O.I.

Respondents

FOR THE APPLICANT

Sh. B. S. Mainee, counsel

FOR THE RESPONDENTS

Sh. H. K. Gangwani, counsel

CORAM

JUDGEMENT (ORAL)

Hon'ble Sh. S. R. Sagar, Member (J)

This application under Section, 19 of the Central Administrative Tribunals Act, 1985 has been moved by the applicant for regularisation of the quarter No. 150/7, Railway Colony, Minto Bridge, New Delhi in favour of the applicant No. 1 after retirement of his father who is applicant No. 2.

The learned counsel for the applicant has urged before me that quarter in question was allotted to the applicant No. 2 and that applicant No. 1 has been sharing the accommodation with permission of the respondents. A letter dater 10-8-90 (Annexure A-4) in supports the contention of the 1d. counsel for the applicant that the applicant No. 1 has been granted sharing permission ex post facto sanction w.e.f. 26-9-86. He has also alleged that according to para 25.11 of the Indian Railway Establishment Manual Chapter XXIII the applicant No. 1 is fully eligible

for allotment of Government accommodation and therefore, he is entitled for regularisation of the quarter. In support of his contention, 1d.counsel for the applicant has made available a copy of the decision dated 20-5-92 rendered by the Principal Bench of the Central Administrative Tribunal in the case of Sh.Tilak Raj and Ors V/su.O.I. and Ors in OA No.542/92.

The application has been opposed by the respondents. ~~and~~ They have contended that applicant No.1 has not shared with his father with permission. But this ground stands negatived by Annexure-A-4. Learned counsel for the respondents has, however, laid much emphasis on the words used in (Annexure A-I) to the effect that the applicant No.1 is not the screened employee and ~~and~~ has contended that on this ground he is not entitled for regularisation of ~~that~~ ^{the} quarter in question. In this connection he has drawn my attention to para 5 of the decision ~~in the~~ ^{wherein} ~~remarke~~ ^{remarke} that in this judgement that Kailash Chand judgement was delivered in case where the applicant had been screened but his result was not declared. I have given my anxious thought to this submission.

After going through the judgement, in the case of Tilak Raj (Supra) and there remains no doubt in my mind that regularisation of the applicant can not be refused only on this ground. The ~~applicant's~~ ^{appeal's} case appears to be fully covered by the judgement in Tilak Raj Case ^{with which I am in complete agreement.}

Another point argued before me by the 1d.counsel for the respondents is that the matter in question is pending before the authority concerned. But the 1d.counsel for the applicant has denied it and has submitted that the matter has been finally disposed of vide order dated 15-11-91. This ground of respondents counsel has therefore

no force..

On consideration of the entire facts and ^{application} circumstances of the case, the applicant deserves that right to be allowed. The respondents are directed to regularise the quarter No.150/7, Railway Colony, Minto Bridge, New Delhi in favour of the applicant No.1 as early as possible within a period of three months from the date of receipt of a copy of this judgement.

Application stands disposed of accordingly no order as to costs.

10/1/92
(S.R.SAGAR)
MEMBER(J)

10/1/92