

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * *

(7)

O.A. NO.197/92

DATE OF DECISION : 3.4.92

SHRI HARI MOHAN & ANR.

...APPLICANTS

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

FOR THE APPLICANTS

...SHRI B.S. MAINEE

FOR THE RESPONDENTS

...SHRI R.L. DHAWAN

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J)

The applicant No.2, Inder Pal retired as Mistri, Printing and Stationery Depot, Shakur Basti on 31.3.1990. During his service, he was allotted quarter No.260/2 Railway Colony, Shakur Basti, Delhi. The son of the applicant, Hari Mohan, applicant No.1 was also living with his father in the said house and the sharing permission was granted to him on 24.10.1989. He is also employed and he prayed for regularisation of the quarter in his favour. The respondents did not regularise the quarter and hence this application has been filed.

(8)

2. The respondents contested the application and filed the counter stating that applicant No.2, i.e., Inder Pal after retirement is in unauthorised occupation of the quarter and that for regularisation of the quarter in favour of Hari Mohan, applicant No.1, he has not filed evidence that he has not lived with his father from 10.3.1980 to 30.6.1989 during which period he drew HRA, but he failed to do so. As per Railway Board's circular No.E(G) 85 Qr.l-9 dt.15.1.1990 in view of para 3(viii) if an employee dependent is already drawing HRA and stops drawing the amount six months before retirement of this employee concerned, the dependent is not eligible for allotment/regularisation of quarter. Arguments were heard and concluded in this case and the case was reserved for judgement.

3. The learned counsel for the applicant filed MP 764/92 on 10.3.1992 along with a copy of the order dt.28.2.1992 issued by the Headquarter DRM Office wherein the said quarter No.260/2 Shakur Basti which was allotted to Inder Pal has been regularised in the name of Hari Mohan, applicant No.1 and in view of this he has prayed that the applicant be allowed to withdraw the application.

(9)

4. The MP is, therefore, allowed.

5. In view of the above facts, the Original Application is disposed of as having become infructuous by virtue of the reliefs having been granted to the applicant by the respondents. In the circumstances, the parties to bear their own costs.

Sharma,
3-4-92
(J.P. SHARMA)
MEMBER (J)

AKS