

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2434/92

New Delhi this the 13th day of October, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Shri S.U.Khan,
S/O Shri M.U.Khan,
Mobile Booking Clerk,
Northern Railway, Tundla.

2. Shri M.U.Khan,
Retd. Chief Controller,
Northern Railway,
Presently:
residing at A-112, Radhey Sham,
Park Extn, Khureji, Delhi-51

C/o Sh. B.S. Mainee, Advocate
240 Jagriti Enclave, Delhi-92

... Applicants

(None for the applicants)

Versus

Union of India through :

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

... Respondents

(By Advocate Sh. B.K. Aggarwal, learned
counsel through proxy counsel Sh.
Rajeev Bansal)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

This O.A. has been filed on 9.9.92 raising the issue whether the accommodation can be regularised in favour of the temporary status employees at the time of retirement of ~~their~~^{his} father, who was in occupation of the Govt. accommodation. This issue was referred to the Full Bench of the Tribunal in Liaquat Ali and others Vs. Union of India through General Manager (N.R.) and Ors. (1995) SLJ (3) 503 CAT (PB).

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2. None / appeared for the applicants, even on the second call. This case has been listed at Serial No.1 in today's cause list under regular matters. I have, therefore, perused the pleadings and documents on record and heard Shri Rajeev Bansal, learned proxy counsel for the respondents.

3. The Full Bench judgement in Liaquat Ali's case (supra) had considered, *inter alia*, whether casual labour and substitutes with or without temporary status and who have not become regular railway employees are eligible to be considered for out of turn allotment on the basis of circulars of the Railway Board. The Court had answered the question in ^{the} negative after detailed examination of the relevant circulars/rules and instructions as well as case law.

4. The applicant in the present case has stated that he is working as Casual Mobile Booking Clerk with temporary status and has prayed for a direction to the respondents to regularise quarter No. 268 AB, Company Bagh, Tundla or any other quarter in his favour from the date of retirement of his father, with consequential benefits. The respondents have resisted the claim in their reply stating that the applicant is not entitled for such regularisation on out of turn basis as per the existing relevant rules and circulars.

5. In the facts and circumstances of the case and having regard to the Full Bench judgement of the Tribunal in Liaquat Ali's case (supra), I find no merit in this case and the same is accordingly dismissed. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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