

Central Administrative Tribunal
Principal Bench, New Delhi.

D.A. No. 1431/93

(2)

New Delhi this the 5th Day of April, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri Purshottam Lal,
S/o late Sh. Gobind Ram,
Khalasi under Chief Public
Relations Officer, Northern
Railway, State Entry Road,
New Delhi.

Applicant

(By advocate Sh. B.S. Mainee)

versus

1.. The General Manager,
Northern Railway,
Bareda House,
New Delhi.

2. The Divl. Superintending
Engineer(Estate),
Northern Railway,
D.R.M. Office,
State Entry Road,
New Delhi.

3. The Chief Public Relations Officer,
Northern Railway, State Entry Road,
New Delhi.

Respondents

(By advocate Sh. Shyam Moorjani)

ORDER (ORAL)
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

This application has been filed by
Sh. Purshottam Lal, a Khalasi working in the
Northern Railway. He is aggrieved by the action
of the respondents in initiating eviction proceedings
against the applicant from railway quarter No. 144/10,
Minto Bridge, New Delhi.

The applicant was engaged as a casual labour
initially on 15.5.1978 and he was given appointment

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as a Khalasi in 1984. In 1989 he was recommended for regularisation after the required screening. The aforesaid railway quarter was allotted to his father late Sh. Govind Ram who expired on 16.4.1986. In terms of Railway Board's circulars dated 25.6.1966 and 20.1.1969, on retirement or death of a railway servant, his quarter may be allotted to his serving son/daughter/husband/father out of turn provided the said relation is eligible and has been sharing accommodation with the retiree/deceased for atleast 6 months before the date of retirement or death. The applicant claims that he was always living with his father and HRA was not being paid to him. He has been working from 1984 continuously with temporary status and claims that according to rules contained in para 25.11 of the Indian Railway Establishment Manual, he was eligible for allotment of a quarter.

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In the counter filed by the respondents, the main averments are these. Though the father of the applicant died on 16.4.1986 as per his own admission, he was screened only in 1989. Thus, during this period he was in unauthorised occupation of railway quarter and was, therefore, liable to be evicted therefrom. The applicant is being proceeded under the Public Premises Act and has ~~by chance~~ not entrusted the other alternative remedy including representation to the department. During the arguments, the learned counsel for the respondents also contended that the application is time barred. The applicant should have come to this Tribunal as soon as his request for allocation of the quarter after expiry of the father in 1986 was rejected.

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This Tribunal had occasion to consider the question whether railway government servants with temporary status are eligible for out of turn allotment. In such case, para 25.11. of the Indian Railway Establishment Manual provides that casual labourers treated as temporary are entitled to all the rights and privileges admissible to temporary Railway servants as laid down in Chapter-XXIII of the IREM. In a number of judgements, this Tribunal has held 'temporary status held is entitled to regularisation of quarter on the retirement/death of father because they are entitled to allotment in terms of para 25.11. of the Indian Railway Establishment Manual.

In this case, the applicant had acquired temporary status and was living with his father for more than 6 months before his death. Hence the O.A. is allowed and the respondents are directed to regularise quarter No. 144/10, Minto Bridge, New Delhi in the name of applicant within a period of three months from the date of communication of this order. The applicant is liable to pay normal licence fee as per extant rules.

There will be no order as to costs.

B.N. Dhundiyal
(B.N. DHUNDIYAL)
MEMBER(A)

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