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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA NO.1786/93

NEW DELHI, this 12th day of January, 1994

Shri C.J. Roy, Member (J)

Shri T.N. Tiwari
16-D, Rly Colony
Tughlakabad, New Delhi-110044 .. Applicant

By Shri S.D. Kinra, Advocate

Versus

Union of India, through

1. The Chairman
Railway Board, Rail Bhawan
New Delhi

2. The Divisional Railway Manager
Chelmsford Club Road
New Delhi-110 001

3. The Chairman
Housing Area Committee
Tughlakabad, New Delhi-110044 .. Respondents

By Shri K.K. Patel, Advocate

ORDER

(Hon'ble Shri C.J. Roy, Member (J))

By this application filed under Section 19 of the CAT Act, 1989, the applicant has opposed to the letter dated 16.7.1993 asking him to vacate the Railway quarter No.16-D, Rly. Colony, Tughlakanad, which he is sharing with the allottee one Shri Chhanga Mal, another Railway employee.

The applicant says he has been living in one room of the said quarter since May, 1981 by paying a rent of Rs.160/- per month and as a result of surprise ^{Check} ~~check~~ in 1985, he was given permission to share the accommodation with Shri Chhanga Mal vide letter dated 17.7.85 by the Chairman of the Area Housing Committee. He is aggrieved by the impugned letter, even though he claims that HRA @ Rs.250/- is being deducted from his salary from November, 1992 apart from Rs.160/- that he has been paying to the allottee, and prays not to disturb him until he gets his own allotment.

2. The respondents say that sharing permission was granted 17.7.85 when they came to know of it, but the surprise check was ~~conducted~~ on 4.12.85. They also aver that the sharing permission was cancelled on the request of Shri Changa Mal, the original allottee, and was approved by the Chairman, Area Housing Committee, and thus the impugned letter was issued.

3. The contention of the applicant is that he made a request on 4.3.86 for deduction of HRA from 17.7.85, whereas the respondents have started deducting HRA from November, 1992. He further contends he was allotted out of turn allotment of Type II accommodation in response to his application dated 6.2.91 but due to mischief of the dealing official he could not get possession of the same. He states that he has made representations on 10.1.92 and 15.11.92 citing the cases of his juniors having been allotted quarters ignoring him. He has made an appeal on 21.7.93 against the impugned letter but of no avail. Hence this application.

4. On the other hand, the respondents contend that the applicant has been declared unfit to continue in the present post and is now being appointed as Commercial Clerk shortly. They deny that the applicant was ever allotted rly. quarter. They allege that the applicant did not hand over his appeals dated 10.1.92 and 15.11.92. They also deny the receipt of his application dated 4.3.86 for deduction of HRA. They say that the applicant has registered his name for allotment of Type II Quarter only on 21.4.87 and therefore he is not eligible for allotment now. They deny the other averments made in the application.

5. The applicant has filed his rejoinder more or less reasserting the points raised in the OA.

6. I have heard the learned counsel for the parties, and perused the records.

7. On the point of sharing of accommodation allotted to railway employees, condition (k) says that "the permission given to share accommodation can be withdrawn at a short notice if and when considered necessary by the Administration. However, in case when it is detected that an allottee has sub-letted his quarter without prior permission of the competent authority, he renders himself liable for the cancellation in addition to payment of penal rent."

8. In the instant case, sharing permission is stated to have been cancelled at the instance of the allottee by the competent authority. I therefore find that the applicant has not made out a case at all and he has no claim at all whatsoever to continue in the said quarter when the allottee is not willing to share any more. However, on humanitarian grounds I feel it is a fit case for giving a direction to the respondents. The respondents are directed to dispose of the representation of the applicant, if not done so far, within a period of two months from the date of receipt of this order by them. The interim order already granted will continue till then. The OA is thus disposed of. No costs.

W/Roy
(C.J. Roy)
Member (J) 12/1/94

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