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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No. 2269/93

New Delhi this the 26th Day of November, 1993.

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

Shri Pyare Lal
S/O Sh. P.S. Thakur,
R/O Railway Quarter No.JQ/B-6,
Basant Lane, New Delhi.

Kumari meena Thakur
Booking Clerk,
R/O Railway Quarter No.JQ/B-6,
Basant Lane, New Delhi.

Petitioners

(By Advocate Sh. S.K. Sawhney)

versus

1. Union of India
through
General Manager,
Baroda House,
New Delhi.

2. Divisional Superintending Engineer(Estate),
Northern Railway,
D.R.M. Office,
Chelmsford Road, New Delhi.

Respondents

(By Advocate Sh. K.K. Patel)

ORDER(ORAL)

Applicant No.1 retired as Staff Car Driver and Applicant No.2 Kumari Meena Thakur, his daughter is working as Booking Clerk in the Northern Railway. Applicant No.1 was allotted Quarter No.JQ/B-6, Basant Lane, New Delhi and Applicant No.2 applied for regularisation of this quarter in her name after the retirement of her father. The representation was rejected vide impugned letter dated 8.9.93 (Annexure A-I). The following reliefs have been prayed for:-

- (i) Direct the respondents to regularise Railway Quarter No.JQ/B-6, Basant Lane, New Delhi in the name of Applicant No.2 w.e.f. 1.4.1991 and charge normal rent from Applicant No.2 from 1.4.91 onwards.

- (ii) Direct the respondents to release the DCRG due to Applicant No.1 alongwith interest at market rate.
- (iii) Direct the respondents to release post-retirement passes illegally withheld for non-vacation of Railway Quarter.
- (iv) Grant any other relief that this Hon'ble Tribunal may deem fit.
- (v) Award costs of this application.

In the counter filed by the respondents it is stated that Sh. Pyare Lal was allotted Railway Quarter No.JQ/B-6, Basant Lane, New Delhi and retired from Railway service on 31.3.1991. His daughter Kumari Meena Thakur was appointed as temporary Booking Clerk on 1.8.1990 and was regularised only in October, 1992. She was given sharing permission vide Respondents' order dated 3.12.1990 with retrospective effect from 1.8.1990. She was not drawing H.R.A. w.e.f. 1.8.1990.

I have gone through the records and heard the learned counsel for the parties. My attention has been drawn to para -2 of the Railway Board Circular dated 15.1.1990 which reads as under:-

"When a Railway employee who has been allotted railway accommodation retires from service or dies while in service, his/her son, daughter, wife, husband or father may be allotted railway accommodation on out of turn basis provided that the said relation was a railway employee eligible for railway accommodation and had been sharing accommodation with the retiring or deceased railway employee for at least six months before the date of retirement or death and had not claimed any H.R.A. during the period. The same residence might be regularised in the name of the eligible relation if he/she was eligible for residence of that type or higher type. In other cases a residence of the entitled type or type next below is to be allotted."

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In this case the temporary service of Applicant No.2 was followed by regularisation and even as temporary servant she was eligible for allotment of Railway quarter. It is also admitted that she had taken required sharing permission and was not drawing H.R.A. w.e.f. 1.8.1990. I find no reason why the authorities should not have regularised the quarter in her name. The O.A. is disposed of with the following directions:-

- (a) Quarter No.JD/B-6, Pasant Lane, New Delhi shall be regularised in the name of Applicant No.2 w.e.f. 1.4.91 on payment of normal rent.
 - (b) The respondents shall release the DCR due to Applicant No.1 alongwith interest prescribed under the rules.
 - (c) The post-retirement passers shall be released to Applicant No.1 immediately.
 - (d) These orders shall be implemented expeditiously and preferably within a period of one month from the date of communication of this order.
- There shall be no orders as to costs.

B.N. Dhoun
(B.N. Dhoun No.1) 26/11/93
Member (A)