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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

VACATION BENCH

O.A.No.2546/93
M.A.No.3563/93

New Delhi this the 31st Day of December, 1993.

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

Sh. Balwant Singh
Ex. DEN/LAND,
D-11, College Lane, Type-III,
New Delhi.

Sh. Gurpreet Singh,
S/o Sh. Balwant Singh,
R/o D-11, College Lane,
Type-III, New Delhi.

Petitioners

(By advocate Sh. D.S. Mahendru)

versus

1. Union of India
through General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. Divisional Superintending Engineer/Estates,
Office of the D.R.M.,
Northern Railway,
State Entry Road,
New Delhi.

Respondents

(By advocate Sh. R.L. Dhawan)

ORDER(ORAL)

Heard the learned counsel for the parties. The brief facts of the case are these. The applicant Sh. Balwant Singh Ex.DEN/LAND retired on 30.11.1990. He was allotted railway accommodation No. D-11, College Lane, New Delhi. His son Sh. Gurpreet Singh is a regular employee of the railway and is working as Material Checking Clerk. He has been sharing the accommodation with permission of the authorities w.e.f. 1.4.1989. On his retirement his son

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applied for regularisation of the accommodation in his name on 5.1.1991. His grievance is that this quarter has not been regularised in the name of his son and on the other hand eviction proceedings under Section 190 of the Railway Act have been initiated against him. He has also not been paid any gratuity and is being denied Post Retirement Complimentary Passes. The respondents have stated that after his retirement on 30.11.90, the applicant was given permission to retain the accommodation for another four months i.e. upto 31.3.91. He failed to vacate this quarter and hence proceedings under Section 190 of the Railway Act were started against him. The case of applicant's son for allotment of eligible type of railway quarter has been considered but is not covered under the existing Rules. Further, the applicant's son was directed to furnish a ration card of his father as well as his own prior to 1.4.1989 which he failed to furnish. The learned counsel for the respondents vehemently argued that as the proceedings under Section 190 of the Railway Act are already on way, the interim order should be vacated.

M.A.No.3563/93 for joining together in a single application is allowed.

Out of turn allotment of quarters to dependents of retiring employees is governed by the provisions of Circular dated 15.1.1990 of the Railway Board. It provides that when a railway employee who has been allotted railway accommodation retires from service, his son, daughter, wife, husband, father may be allotted railway accommodation on out

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of turn basis provided that he was railway employee eligible for railway accommodation and had been sharing accommodation with the retiring railway employee for atleast 6 months before the date of retirement. The same residence might be regularised in the name of eligible relation if he/she was eligible for a residence of that type or higher type. In other cases, a residence of the entitled type or type next below is to be allotted. In proviso(viii) it is stated that if an employee dependent is already drawing HRA and stops drawing the house rent before six months of the retirement of the employee concerned, the dependent is not eligible for allotment/regularisation of quarter. Examined in this light, I find that only stated objection to allotment/regularisation of quarter to the son of the applicant is non-furnishing of ration card. It is admitted that he was sharing the accommodation with his father much before 6 months of his retirement with the permission of the competent authority. It is also admitted that being a Khalasi he is not entitled to the type of accommodation allotted to his father. The applicant's son had furnished an affidavit on 6.7.89 wherein he had clarified that being a bachelor he had never obtained ration card.

In the facts and circumstances of the case, I hold that though the applicant is not entitled to retain the said accommodation, his son should be given out of turn allotment of the type of accommodation to which he is entitled. The application is, therefore, disposed of with the following directions:-

- (1) The respondents shall consider the case of the applicant's son for allotment of the type of quarter to which he is

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entitled on out of turn basis and provide this type of accommodation to him within a period of one month from the date of receipt a certified copy of this order.

- (2) As soon as the alternative accommodation is made available to the son of the applicant, he shall vacate the quarter occupied by him within 10 days thereof.

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- (3) On vacation of the said quarter, the gratuity amount as also Post Retirement Complimentary Passes may be released to him as per rules.

No costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal)
Member(A)

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