

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A.No.299 of 1993.

New Delhi, this the 5th day of November, 1993.

HON'BLE Mr B.N.DHOUDIYAL, MEMBER(A)

1. Mohinder Pal
S/O Shri Hansa Lal,
aged about 31 years,
R/O Quarter No.7/1, Railway Colony,
Sarojini Nagar, New Delhi.
working as Khalassi in the Northern Railway,
(Carriage & Wagon Supplies)
Delhi Main, New Delhi.

2. Babbar
S/O Shri Mammola,
R/O Qr.No.7/1, Railway Colony,
Sarojini Nagar, New Delhi.

... .. Applicants

(By Advocate Mr B.B.Raval).

vs.

1. Union of India
through the General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Superintending
Engineer(Estate), Divisional Rly.
Manager's Office,
Northern Railway,
New Delhi.

... .. Respondents.

(by Advocate K.K.Patel).

ORDER(oral)

There are two applicants in this
O.A. Shri Babbar, who retired as Sanitary Zamadar
on 31.7.1987 and who was occupying Qr.No.7/1,
Railway Colony, Sarojini Nagar, New Delhi and
his son-in-law Mohinder Paul, who was sharing
this accommodation with him and is presently
working as helper Khalasi.

2. According to the applicant, he
had been granted permission to share this
quarter with Shri Babbar in April, 1987 by
the Chairman, Delhi Area Housing Committee,

Northern Railway, New Delhi. He had also submitted an application for being considered for allotment of a quarter in his own name according to his turn and seniority. From the date of sharing of this accommodation, no House Rent Allowance is being paid to him. The family of the father-in-law of Shri Babbar continues to stay in the same quarter. His request for regularisation of quarter has not been acceded to. Instead the respondents have issued impugned notice dated 7.2.1990. This was challenged in the Court of District Magistrate, Delhi and the case was transferred to the Additional District Judge, who issued an order restraining the railway authorities from evicting the applicant from the said premises. During the hearing of that case, the applicant submitted that those who have been appointed in 1983 have been allotted Government accommodation while the applicant No.1, who was appointed in November, 1975, has not been allotted government accommodation. It was stated by the respondents that the applicant figured in the List/Register of applications for allotment at Sr.No.437, whereas applications ^{upto} Sr.No.369 were cleared as on 8-10-90. The applicant has referred to a number of alleged irregularities ⁱⁿ the register maintained by the respondents containing the names of those who have applied for accommodation. This case was withdrawn by the applicant with liberty to present a petition before the Central Administrative Tribunal. The applicant has prayed that the impugned order dated 7.2.1990 may be quashed.

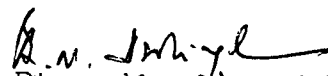
3. In the counter filed by the respondents it has been stated that they have already evicted the petitioners from the Railway Premises in accordance with law and as per the orders passed by Estate Officer but the petitioners had^{be} broken the lock and have occupied the same premises. They have also contended that as per Railway Board's Policy, Son-in-law is not authorised for regularisation of quarter. They have referred to a number of circulars issued by the Railway Board and have stated that in none of the Railway Board Policies, the son-in-law of a Railway Employee is entitled for allotment of a Railway Quarter out of turn basis.

4. I have gone through the records of the case and heard the learned counsel for the parties. It is admitted that there is no express provision entitling a son-in-law for out of turn allotment on retirement of his father-in-law. However, the learned counsel for the applicant has drawn attention of the Court to the Judgment of this Tribunal in case of Dr Mrs K.A. Shyamini vs. Union of India in OA No. 1259/91, decided on 21.5.1992, wherein in a similar case the applicant who was looking after the family of her retired father was directed to be given a regular allotment provided an affidavit to the effect that she will continue to look after the family of her father was submitted. The learned counsel for the respondents points out that even though in the Central Services, the entitlement of the married daughters of government servants for out of turn allotment is under consideration, yet there is no such move as yet, so far as railway employees are concerned. However, in this case

the peculiar circumstances are that the applicant had joined the railway service as early as in 1975 and he claims to have been regularised in 1976 but his name has been registered for allotment of accommodation only in 1983. The applicant claims that he has applied for allotment of railway quarter much earlier. Secondly, he is sharing the accommodation with the family of the retired railway employee to whom the quarter was originally allotted and claims that he will continue to do so. It is also admitted by the respondents that even taking the registration in 1983 into account, he is sufficiently senior and is likely to be allotted a quarter in its turn in the near future. Taking all these factors into account, I direct the respondents not to evict the applicant No.1 from the said premises for a period of six months or regularisation/allotment of railway accommodation to applicant No.1 Shri Mohinder Pal, whichever is earlier. This direction is being given, considering the peculiar circumstances of this case and shall not act as precedent.

5. With these observations, the O.A. stands disposed of with no order as to costs.

5th Nov., 1993.
/sds/


(B.N. Dhoundiyal) 5/11/93
Member(A).