

②

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 26th day of November, 1999.

ORIGINAL APPLICATION NO.679 OF 1997

Present :- Hon'ble Mr.L.Hmingliana, Member(A)

Shri Yuvaraj Singh  
S/o. Shri Tara Singh,  
R/o. Qr.No.956 'C' Type II,  
Jamunia Bagh,  
KANPUR N.R.

.....Applicant.

(By Shri N.P.Singh, Advocate)

Versus

1. Union of India through  
Adhayakshaya, Kshetriya Avasiya Samiti,  
Sahayak Abhiyanta Mukhayalay, N.R.  
Kanpur Nagar.
2. Medical Supdt. N.R.Loco, Kanpur.
3. Chief Area Manager, N.Rly. Kanpur Central.
4. D.R.M. R.Rly., Allahabad.

.....Respondents

(By Shri P.Mathur, Advocate)

ORDER

(By Hon'ble Mr.L.Hmingliana, Member(A) )

This original application filed by a Northern  
Railway Booking Clerk, Kanpur, is for allotment of  
Railway quarter No.956 'C' , Jamunia Bagh colony, Kanpur.  
The quarter had been allotted to his father who was an

contd .../2p

Ambulance Driver under the Medical Superintendent and has retired from service since 31-1-1996. The applicant was sharing the quarter with his father and it is on that ground that he is claiming allotment of the quarters out of turn as permissible under the Railway Rules.

2. The date on which the applicant joined Railway Service is not given in the O.A. or in the Supplementaries. Nor is it stated whether the quarter is of the type the applicant is entitled to. It is the case of the applicant that he was sharing the quarter with his father from November/December, 1995 with the written permission given by the Medical Superintendent on 12-12-95, and he was not paid House Rent Allowance from November, 1995 onwards. He applied for allotment of the quarter out of turn as per rules on the ground that he had shared it with his father. Reliance is placed upon the judgement of the Supreme Court in Ms. Savita Samvadi & another Vs. Union of India & Ors, 1996 (72)FLR 545.

3. The citation does not support his case. The Supreme Court was granting relief to the lady applicant in that matter for allotment of the quarter of his father after his retirement, which quarter shd had shared with him for more than six months. Her father had applied for allotment of the quarter to her after his retirement, though she was married and he had two sons who were working at other places and not in the Railways, claiming that she was the one among his children to look after him in his old age. The Railway Authorities turned down his application. He joined the daughter in filing an O.A. as the second applicant in the Principal Bench of the Tribunal and the Tribunal



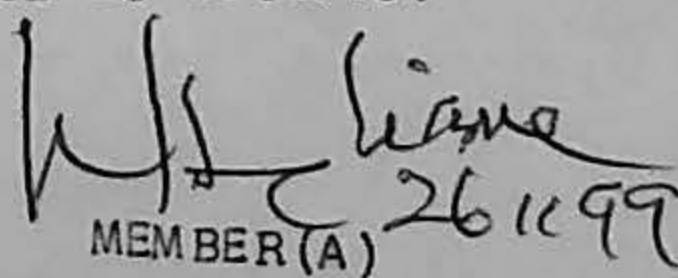
dismissed the O.A. on the ground that the Rules of the Railways did not allow allotment of the quarters to a married daughter of a retired Railway servant who had also sons and the Rules were not challenged in the O.A. On appeal, the Supreme Court reversed the order of the Tribunal with the following observations :-

"We have also come to the same view that the instant case is of gender discrimination and therefore should be and is hereby brought in accord with Article 14 of the Constitution. The Circular shall be taken to have been read down and deemed to have been read in this ~~max~~ manner from its initiation in favour of the married daughter as one of the eligibles, subject, amongst others, to the twin conditions that she is (i) a railway employee; and (ii) the retiring official has exercised the choice in her favour for regularisation. It is so ordered."

4. The applicant's case is not comparable to that. Besides he was very late in filing his application to the competent authority for allotment of his father's quarter out of turn. And he had shared the quarter with his father barely for a period of two months from November till his retirement at the end of January '96. It is the case of the respondents that according to the Railway Rules for allotment of Quarters out of turn on the ground of sharing with a relative, the sharing had to be for a period of atleast six months, which the applicant had not fulfilled.

5. The applicant is not entitled to relief from the Tribunal. His application has to fail and it is hereby dismissed with no order as to costs.

/satya/

  
MEMBER (A) 26/11/99