

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 17th day of July, 2001.

Original Application No.1341/1998.

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Kanhaiya Lal S/o Shri Gaya Prasad,
Resident of Railway Quarter No.20-B, Outhouse,
Loco Colony, Kanpur Nagar.

(Sri Shishir Kumar, Advocate)

. Applicant

Versus

1. Union of India through Divisional Railway Manager, Northern Railway, Allahabad.
2. Senior Divisional Commercial Manager, Northern Railway, Kanpur.
3. Chief Traffic Manager, Northern Railway, Kanpur.

(Sri Avnish Tripathi, Advocate)

. Respondents

ORDER (O_r_a_l)

By Hon'ble Mr. SKI Naqvi, J.M.

To sort out controversy in the matter, it would be convenient to arrive at some logical conclusion if the matter is thrashed chronologically as under:-

(i) Railway Quarter No.20-B, Outhouse Loco Colony, Kanpur was allotted to Sri Gaya Prasad in the year, 1990 when he was posted as TTE at Kanpur.

(ii) It was in the year 1990 that the applicant Kanhaiya Lal, son of Gaya Prasad was also given appointment as Mobile Booking Clerk at Kanpur.

(iii) On 11-4-1997 Sri Kanhaiya Lal moved for permission to share accommodation with his father Sri Gaya Prasad and also to regularise the same in his favour after the retirement of Sri Gaya Prasad. This application has been forwarded and recommended on 12-4-1997 by the Chief Booking Supervisor, the immediate officer of

SKN

Sri Kanhaiya Lal (Annexure-A-3).

(iv) By letter dated 13-5-1997 Sri Kanhaiya Lal was permitted to share accommodation in Quarter No.20-B, at that time under allotment in the name of his father.

(v) Sri Gaya Prasad retired on 30-9-1997. On his move Sri Gaya Prasad was allowed to retain the quarter in question even after his retirement from 10-1-1997 to 30-11-1997 at normal rent and from 01-12-1997 to 31-1-1998 on double the normal rent.

(vi) Sri Kanhaiya Lal again moved for regularisation of quarter in his name which has been forwarded on 12-1-1998 and the copy of the same has been annexed as Annexure-A-2.

2. With the above undisputed facts, the applicant has come up seeking relief to the effect that the respondents be directed to allot the Railway Quarter in question in his name and also not to eject him therefrom.

3. The respondents have contested the case, filed the counter reply with the specific pleadings that the quarter in question cannot be allotted/regularised in favour of the applicant because as per rules in this regard, he should have asked for permission to share the accommodation and for regularisation at least six months from the date of retirement of the person to whom the accommodation was allotted and the applicant permitted to share.

4. Hear Sri Shishir Kumar, counsel for the applicant and Sri Avnish Tripathi, counsel for the respondents.

5. Sri Shishir Kumar, counsel for the applicant mentions that the applicant moved to share accommodation and for subsequent regularisation, at due time, by his application dated 11-4-1997 and Sri Gaya Prasad, the allottee of the quarter in question retired on 30-9-1997 and, therefore, if the rule is strictly followed, there

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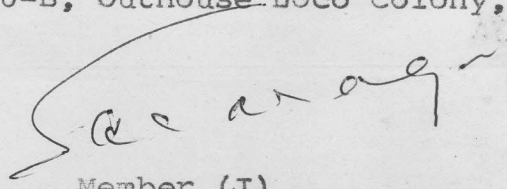
is negligible delay of only few days whereas Sri Avnish Tripathi, counsel for the respondents relies on decision by the Full Bench at Principal Bench, New Delhi in OA No. 2684/1993 and other connected cases decided on 29-5-1995 wherein it has been held that regularisation of the Railway Quarter cannot be claimed as a matter of right.

6. From the side of the applicant there is reference to ratio in Mrs. Sabita Sambadi & Ors Vs. UOI & Ors, in Civil Appeal No.2442/1996 decided by Hon'ble Apex Court on 30-1-1996 where direction was issued to grant regularisation of quarter almost under similar circumstances as in the present matter.

7. In view of the facts and circumstances of the matter, arguments placed from either sides and the law referred to, it is quite evident that the applicant can only have a point to be considered for regularisation of quarter in question in his name which cannot be claimed as a matter of absolute and unfettered right.

8. Under this position in view, the OA is decided as under.

9. The respondents are directed to consider and decide the matter of regularisation of the quarter in question in favour of the applicant ignoring the so called delay of few days in his move for the same and till the decision is taken, the applicant [§]will be allowed to retain the quarter in question i.e. Railway Quarter No.20-B, Outhouse Loco Colony, Kanpur. No costs.


Member (J)

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