

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

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O.A.No. 350/643/2015 with MA No. 198/2018
O.A.No. 350/888/2015

Date of Order: 07.01.2021

Coram: Hon'ble Mr. Tarun Shridhar, Administrative Member

1. Amarjeet Arora,
Ex. Railway Servant,
Son of Late Harbans Lal Arora
2. Sandipa Arora,
Railway Servant,
Daughter of Sri Amarjeet Arora,

Both are residing at Railway Quarter No. 359,
Unit - 2, Type - II at South Side, Kharagpur,
Post Office and Police Station - Kharagpur,
District - Paschim Medinipur, Pin - 721301;

..... Applicants.

- VERSUS -

1. Union of India
Service through The General Manager,
South Eastern Railway,
Having office at Garden Reach,
Kolkata - 700043.
2. The Chief Personnel Officer,
South Eastern Railway,
Garden Reach,
Kolkata - 700043.
3. The Divisional Railway Manager,
South Eastern Railway, Kharagpur,
Post Office - Kharagpur,
Police Station - Kharagpur Town,
District - Paschim Medinipur,
PIN - 721301.
4. The Senior Divisional Personal Officer,
South Eastern Railway, Kharagpur,
Post Office - Kharagpur,
Police Station - Kharagpur Town,

District - Paschim Medinipur,
PIN - 721301.

5. The Senior Divisional Commercial Manager
and Chairman, Quarter Committee,
South Eastern Railway, Kharagpur,
Post Office - Kharagpur,
Police Station - Kharagpur Town,
District - Paschim Medinipur,
PIN - 721301.

.....Respondents.

For the Applicants : Mr. M.S.S.Rao, Counsel

For the Respondents : Mr. R.K.Sharam, Counsel

ORDER (Oral)

Tarun Shridhar, Administrative Member:

Since both the O.As. have been filed by common applicants and the prayer therein are also interlinked, both the O.As. were heard together and are disposed of vide this common order. For the sake of brevity, the facts in O.A. No. 643/2015 are dealt hereunder.

2. The applicants, Shri Amarjeet Arora and Ms. Sandipa Arora, who are respectively the father and daughter, are aggrieved by the order of Sr. Divisional Personnel Officer, S.E.Railways, dated 09.09.2013 vide which the claim for regularizing their occupied quarter in favour of applicant No.2 has been rejected. Further, applicant No.1 has not been released his DCRG benefits nor has he been allowed Post-Retirement Complimentary Railway Passes on account of non-vacation of the occupied quarter.

3. Brief facts of the case are that the applicant No.1 joined the Railways in 1972 as Group-D, Token Porter, and retired from service on 31.07.2002 having reached up to the position of Sr. Ticket Collector. During the posting as Sr. Ticket

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Collector, he was allotted, in exchange, a railway quarter No. 359, Unit-2, Type-2 at South Side, Kharagpur. He remained in occupation of this quarter from March 1996 till he retired from service and continues to do so till date even after his retirement.

During the year 2009, applicant No.2, i.e. the daughter of applicant No.1, also got appointed in the Railways on compassionate grounds as a Group-D employee on the demise of her mother, who too was an employee of the Railways.

4. To cut a long story short, the father and daughter shared government accommodation, referred to in the above paragraph, and the applicant No.2 did not claim any House Rent Allowance for the same. Just prior to the retirement of applicant No.1, an application was made that the said quarter be allotted to applicant No.2, i.e. the daughter, in terms of Railway Board Circulars, Estt. Sl. Nos. 233/1987, 128/1990 and 260/1990. This was followed by reminders and they continued occupation of this quarter undisturbed. However, in the meanwhile, the DCRG dues of applicant No.1 were withheld as also the Post-Retirement Complementary Passes on the ground that the applicant on retirement had not vacated his government quarter. Although, on 08.05.2012 the Sr. Divisional Commercial Manager, in his capacity as Chairman of Quarter Committee, allotted the same quarter in favour of Sandipa Arora, the daughter, present applicant No.2, an adverse report was made that this quarter was originally classified as Type-III and continued as such since then. Therefore, this cannot be regularized in the name of the daughter, who is a Group-D employee.

This matter was earlier agitated in O.A. No. 524/2013 when a direction was issued to the concerned authorities to consider and decide the case in accordance with rules by way of a reasoned order. The order passed by the Railway authorities did not give any relief to the applicant and hence the present O.A.

5. Ld. Counsel for the applicant argues that the case of the applicant is squarely covered under the rules and policies of the Railways. He draws attention to a letter dated 27.03.2019 from the Ministry of Railways (Annexure-A/10) under the caption "preference for allotment of railway accommodation to the eligible spouse/ward of deceased/retiring allottee as per entitlement or one type higher in sharing of accommodation cases" wherein it has been expressly stated that non-gazetted railway employees, who are sharing accommodation allotted to their parent but are not eligible for retention of the same in the event of death/retirement of their parents may be given preference for allotment of accommodation as per their entitlement or one type higher accommodation.

6. Ld. Counsel for the respondents, on the other hand, draws attention to the Master Circular No. 49, which states that the quarter can be regularized in the name of the daughter only if she was eligible for that type of quarter or a higher type. He refutes the argument of Ld. Counsel for the applicant that the quarter, in question, was bifurcated and made Type-II quarter and reiterates that the daughter being a Group-D employee is not entitled to it. He further contends that despite her being entitled for Type-I quarter, a Type-II quarter, which is one step higher was allotted to her but she has refused to accept it. Moreover, the competent authority after due consideration and in compliance with the direction

of this Tribunal has already decided the matter by way of passing a reasoned and speaking order.

7. Having heard Ld. Counsels for the parties, at length, and having carefully considered the documents on record, I am of the view that the applicant should not be rigid and insistent upon a particular quarter to reside in. Allotment of government accommodation to employees is done either in the exigencies of service or as a measure of employee welfare. Allotment of a government accommodation is certainly not an inalienable right of a government employee and, that too, a particular accommodation to which he/she is not entitled to. This Tribunal cannot adjudicate on the issue of which category/type this quarter in contention falls into.

We have to accept the categorization of this quarter as it exists in the record of the respondent authorities. Non-vacating the quarter after retirement and insisting as a matter of right that this very quarter be regularised in the name of the daughter, who has otherwise been allotted an alternative quarter borders on misconduct. Moreover, the applicant No.1, in whose name the quarter was allotted, held the position of Sr. Ticket Collector while her daughter, who is asserting a right and claim on the same quarter, is a Group-D employee.

8. Every organization has an established hierarchy to maintain chain of command and discipline. A privilege or benefit of a higher category can be justified only in emergent circumstances but no such case exists here. Hence, by no stretch of imagination can a right of either of the applicants be recognized qua occupation of the said government accommodation, i.e. the railway quarter in this case.

Applicant No.1 is not deserving of the relief sought by him with respect to regularization of the quarter in the name of his daughter. However, he would be entitled to payment of DCRG and Post-Retirement Complementary Passes in accordance with rules of the organization subject to his fulfilment of the obligations cast upon him post retirement; and this includes vacation of the government accommodation.

The concerned Railway authorities, however, should reallocate a suitable quarter to applicant No.2 in accordance with her eligibility and entitlement.

9. Both the O.As. are, accordingly, disposed of with above observations. M.A.No. 198/2018 also stands disposed of as the interim order granted by this Tribunal stands vacated. No costs.



(Tarun Shridhar)
Member (A)

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