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2. Briefly stated the facts of this case insofar as that the above Mr. No. 1-30 BRly, I.D. colony, Alamo, Alamo, is the son of Mr. which was initially, allowed to be released from his working in the department as Safai-wala. He retired after rendering service of about 10 years and after his death the above accommodation was allotted in the name of the applicant who was also an employee of the railway department. She was working as Safai-wala and she retired in the month of April, 1960 after attaining the age of superannuation. The applicant has no son and since the allotment of the aforesaid Mr. in the name of her husband and in her name subsequently, she has been residing therein along with her daughter and her son. The daughter is named as Rajendra Kaur who is also working in the railway department under regular service.

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3. The main grievance of the applicant appears to be that after her retirement in 1952 she since she has no son or son-in-law, she is the only daughter and since her son-in-law of residence Rajendra Kumar who has also been sharing the above accommodation and since the son of Rajendra Kumar is also a railway employee serving under the respondent, the above accommodation should be given to her in the name of the late Rajendra Kumar and the applicant being an elderly widow and having no son, being over 50 years of age has no one to look after her and despite her representations dated 2.7.52 (Annexure-I) and her representation dated 21.10.52 (Annexure-II) and despite application of the late Rajendra Kumar dated 10.1.1952 (Annexure-3) the above accommodation was not allowed in favour of the late Rajendra Kumar, hence the applicant has approached this Tribunal.

4. The respondents have filed Counter Reply resisting the claim of the applicant and have further contended that the above accommodation is in charge of respondent No. 1 and can be allotted only to staff working under him until the late Rajendra Kumar is working under respondent No. 3. It has further been stated that the representation of the applicant dated 2.7.1952 has already been decided by the General Manager, Northern Railway, Meerut, Lucknow (No. 1000/1001 in this case). It has further been contended that the late Rajendra Kumar is not covered by the definition of the dependents of a retired railway employee in terms of Railway Board's orders, letters and orders in this regard, and as such the applicant is not entitled to the accommodation.

5. The applicant has filed rejoinder affidavit wherein she has reiterated all the points as mentioned in her application and she has further stated that by virtue of will deed (which is Annexure C-1) made Smt. Vimla wife of Rajendra Kumar is her legal heir and it has further been reiterated that the aforesaid Smt. Vimla has been rendering her services and who has been looking after her and who is wife of Rajendra Kumar is her legal heir and the aforesaid Vimla and Rajendra Kumar have been living along with her in the aforesaid house since long.

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6. I have ~~the~~ heard the learned counsel for the parties and have thoroughly gone through the records of the case.

7. From the perusal of the pleadings of the parties it is apparent that the aforesaid Mr. was previously allotted in the name of the husband of the applicant who was working as a peon and after his death the aforesaid Mr. was allotted in the name of the applicant herself as she was also working as a peon and the aforesaid Rajendra Kumar has also been working as a peon in the same department under the respondents. In para 12 of the Counter Reply of the respondents, it has been mentioned that the Mr. in question is in charge of respondent No. 1 and ^{can be} allotted only to the peon working under him whereas the said Rajendra Kumar is working under respondent No. 3. A perusal of Annexure C-1 which is copy of the "will deed" ^{executed} by the aforesaid applicant Smt. Vimla ^{shows} that the aforesaid Mr. and Smt. Vimla have been ^{living} along with the applicant