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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.K.AxxNox

198

T.A. No.

168/87.

DATE OF DECISION 9.10.1991

Shri Anant K. Salve.

Petitioner

Shri G.K. Masand

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri N.K. Srinivasan.

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice Shri U.C. Srivastava, Vice-Chairman,

The Hon'ble Mr. M.Y. Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? M
2. To be referred to the Reporter or not? M
3. Whether their Lordships wish to see the fair copy of the Judgement? M
4. Whether it needs to be circulated to other Benches of the Tribunal? M

MGI/PRRND-12 CAT/86-3-12-86-15,000


 (U.C. SRIVASTAVA)
 VICE-CHAIRMAN.

18
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

Tr. Application No.168/87.

Shri Anant K. Salve. Survey
V/s.

Corrected
by... Applicant.
Me

Union of India & ors.

12/2/92
... Respondents.

Coram: Hon'ble Vice-Chairman, Shri U.C.Srivastava,
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:-

Applicant by Mr.G.K.Masand.
Respondents by Mr.N.K.Srinivasan.

Oral Judgment:-

As per Shri U.C.Srivastava, Vice-Chairman Dt. 9.10.1991.

This is Writ Petition No.168/82 originally filed before the Bombay High Court which has been transferred to this Tribunal prays that a writ in the nature of mandamus or any other appropriate writ and direct the respondents to allow on out of turn basis Railway Accommodation to the applicant and to transfer the said Railway Quarter No.168/6/S.V.Road, Bandra, Bombay in the name of the petitioner in accordance with the directives issued by the Railway Board from time to time.

2. The applicant's father who was in Railway service as Khalasi was allotted the accommodation in question. The applicant's father was prematurely retired on 30.11.1978 and the said order was challenged by him and the said order was turned down and he was allowed to continue in service upto the age of 60 years of age i.e. till the month of February, 1981. The applicant who was his son entered the Railway service as a Casual employee and he attained the temporary status in the month of November, 1980 (25.11.1980) i.e. within six months from the date of retirement of his father. The applicant applied for allotment of the quarter in his favour in the month of June, 1981 but as the same

was not done and all his efforts failed he filed this application.

3. On behalf of the applicant it has been contended that in view of the Railway Board's Circular of the year 1966, the applicant who was sharing the accommodation with his father being his son had become eligible before his retirement. As such it was not obligatory for him to move a formal application as the sharing was between themselves and as such an application was moved by him in the month of June, 1981 requesting for regularisation and the quarter should have been allotted in his favour. The applicant in this connection has relied on the decision of the Bombay High Court as well as by this Tribunal. He relied on the case of Harinder Singh v. Union of India & Ors. 1990(13) ATC.

4. On behalf of the Railway administration it was contended that the applicant did not intimate the fact of sharing the accommodation with his father prior to 6 months from the date of retirement of his father and as such he is not entitled to the said accommodation. In terms of the Railway Board's letter he has been entitled to the sharing of accommodation in case he was entitled for the same, but he became entitled later on. In this connection reference also has been made to the Railway Board's letter of the year 1983 which was issued with reference to the earlier letter of 1966. So far as the letter of 1983 is concerned has no relevance in this case as it was issued after the year 1981. But there is no such legal requirement so far as sharing is concerned that the intimation should be given in writing. The applicant did inform later on that he was not drawing any HRA. As the applicant had already intimated before the retirement of his father that he was sharing with his

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father and his possession of the quarter may be regularised. There appears to be no reason why this is not being done. Accordingly, the respondents are hereby directed to regularise the possession of the quarter in the name of the applicant which was allotted to his father. There will be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(U.C. SRIVASTAVA)
VICE-CHAIRMAN.

B.S.M.