

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 1345/92

Transfer Application No: --

DATE OF DECISION 25-10-93

1. D.R.Gaikwad

2. G.D.Gaikwad

----- Petitioner

Mr.S.Pillai

----- Advocate for the Petitioners

Versus

Union of India & Ors.

----- Respondent

Mr.J.G.Savant

----- Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, V.C.

The Hon'ble Shri --

1. ~~Whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? No
3. ~~Whether their Lordships wish to see the fair copy of the Judgement ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ? No

  
(M.S.DESHPANDE)  
V.C.

M

NS/

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.1345/92

1. D.R.Gaikwad

2. G.D.Gaikwad

.. Applicants

-versus-

Union of India &

Three ors.

.. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande  
Vice-Chairman.

Appearances:

1. Mr.S.Pillai  
Advocate for the  
Applicants.

2. Mr.J.G.Savant  
Counsel for the  
Respondents.

ORAL JUDGMENT:  
(Per M.S.Deshpande, V.C.)

Date: 25-10-93

It is apparent that applicant No.2, who is the son of applicant No.1, joined railway service on 13-7-73 and has been staying with the father, applied for permission to share father's quarter. Permission was granted to share the quarter by respondents w.e.f. 1.8.90 to 31-1-91. The applicant had been residing with his father all along and evidently, though the period of permission was limited, the occupation of the applicant continued up to 31-8-91. The applicant's contention is that he had not drawn H.R.A. for 13 months prior to the retirement of his father.

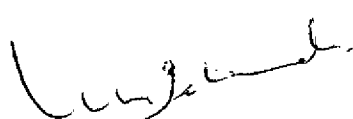
2. The contention that the applicant did not meet the requirement of Rules would not therefore be <sup>correct</sup> followed in the present case. Note (8) to clause 3. of R.B.E. No.7/90 states that "If an employee's dependent is already drawing H.R.A. and stops drawing the amount six months before the retirement of this employee concerned, the dependent

...2/-

is not eligible for allotment regularisation of <sup>in</sup> of quarter." Obviously the present case the applicant No.2 had been in occupation of the quarter and had not drawn HRA for nearly one year.

3. In the circumstances the order passed by respondents cannot be sustained. It is quashed (Ex.A-1). The respondents are directed to make an out of turn allotment to the applicant No.2 of the quarter to which he would be entitled under the rules and till then not to evict him from the quarter. Respondents are directed to pay the balance amount out of the DCRG payable to applicant No.1 after deducting an amount of Rs.2,000/- which may be adjusted ~~towards~~ towards the rent without prejudice to the rights of the parties regarding quantum of rent.

4. The application is disposed of with this direction.

  
(M.S.DESHPANDE)  
V.C.

M