

(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)

COAHM:

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 is 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
(M.S.DESHPANDE)
V.C.

M

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(6)

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

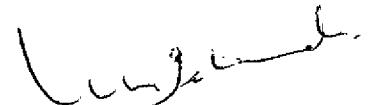
It is apparent that applicant No.2, who is the son of applicant No.1, joined railway service on 13-7-73 and has been staying with the father, applied for permission to share father's quarter. Permission was granted to share the quarter by respondents w.e.f. 1.8.90 to 31-1-91. The applicant had been residing with his father all along and evidently, though the period of permission was limited, the occupation of the applicant continued ~~upto~~ upto 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 ^{correct} ~~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

is not eligible for allotment regularisation of
in
of quarter." Obviously in 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 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