

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 1089/94

Transfer Application No.

Date of Decision 1.3.96

Shri B.M.Shukla & Anr.

Petitioner/s

Shri H.A.Sawant

Advocate for  
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri N.K.Srinivasan

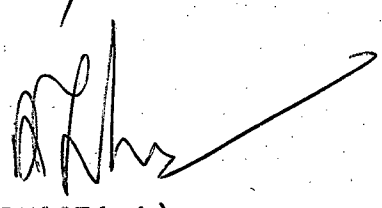
Advocate for  
the Respondents

CORAM :

Hon'ble Shri. P.P.Srivastava, Member (A)

Hon'ble Shri.

- (1) To be referred to the Reporter or not ? ☒
- (2) Whether it needs to be circulated to  
other Benches of the Tribunal ? ☒

  
(P.P.SRIVASTAVA)  
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA.NO. 1089/94

Shri Brijmohan Mulchand Shukla & Anr. ... Applicants  
V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri H.A.Sawant  
Advocate  
for the Applicant

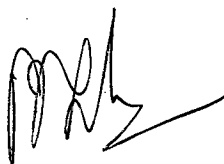
Shri N.K.Srinivasan  
Advocate  
for the Respondents

JUDGEMENT

Dated: 1.3.96

(PER: P.P.Srivastava, Member (A))

The Applicant No. 1 was working as Senior Diesel Chargeman at Bandra Locoshed and retired from service on 30.6.1994. Applicant No. (2) is the son of Applicant No. 1. Applicant No. 2 was appointed as Apprentice Chargeman under Sr.DEE(P) BCT. The Applicant No. 1 was allotted Quarter No. 128/1 at Bandra (East), Bombay in 1975 and he requested the Respondents' administration for allotting the quarter to Applicant No. 2, his son, on father to son basis on the ground that the Applicant No. 2 is residing with him and is eligible for allotment of quarter on out of turn allotment from father to son basis. However, the respondents



have not permitted sharing of accommodation between Applicant No. 1 and 2 and therefore had not allotted out of turn quarter to Applicant No. 2 on the date of retirement of the Applicant No. 1.

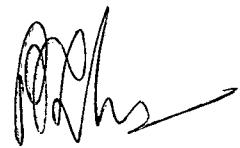
2. Counsel for the applicant has argued that the applicant fulfils all the conditions laid down in the Circular for allotting out of turn quarter from father to son basis in as much as the Applicant No. 2, the son is working in the Railways and has been sharing the accommodation with him.

3. Counsel for the respondents has submitted that the applicant is not eligible for allotment of quarter on out of turn basis on father to son as Applicant No. 2 was undergoing training for two years as Apprentice Chargeman and was appointed only after October, 1994 subsequent to the retirement of the Applicant No. 1. The Railway Board Circular dated 21.6.1990 placed at Annexure-'A-10' is applicable in the cases of those who are appointed on compassionate ground and cannot be extended in the case of the applicant. The sharing of the accommodation has been refused to the applicant by the respondents' administration on 23.6.1994 (Annexure-'A-1'). It is also submitted by the counsel for the respondents that the Applicant No. 2 has been drawing House Rent Allowance from the date he was appointed on a working post and he is continuing to draw the same even now. Counsel for the respondents has



also drawn our attention to the Full Bench Judgement in Liaquat Ali's case pronounced by the Principal Bench, New Delhi wherein it has been held that the allotment of quarter is not a matter of right and that the Applicant No. 2 is not entitled to out of turn allotment in terms of the rules.

4. Considering the arguments of both the counsels and material on record, I am of the view that since the applicant is drawing House Rent Allowance continuously from his appointment and continues to draw the same, he cannot claim any relief on the basis that Applicant No. 2 is sharing accommodation with Applicant No. 1 and living with him. I, therefore, see no merit in the present application and the same is dismissed. There is no order as to the costs.



(P.P. SRIVASTAVA)  
MEMBER (A)

mrj.