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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 130/94

~~Transferred Application No:~~

DATE OF DECISION 17.2.94

Shri A.A. Aire and anr. Petitioner

Shri G.S. Walia Advocate for the Petitioners

Versus

Union of India and others Respondent

Shri N.K. Srinivasan. Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S. Deshpande, Vice Chairman

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? *~*
3. ~~Whether their Lordships ish to see the fair copy of the Judgement?~~
4. ~~Whether it needs to be circulated to other Benches of the Tribunal?~~ *~*

MSD
(M.S. Deshpande)
Vice Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 130/94

Shri A.A. Aire
and another.

... Applicants.

V/s.

Union of India, through
General Manager,
Western Railway,
Churchgate,
Bombay.

Divisional Railway Manager,
Western Railway,
Bombay Central
Bombay.

Estate Officer and
Sr. Div. Engineer,
Western Railway,
Bombay Central
Bombay.

The Chief Workshop Manager,
Parel Workshop
Parel
Bombay.

... Respondents.

CORAM: Hon'ble Shri Justice M.S. Deshpande, Vice Chairman.

Appearance:

Shri G.S. Walia, counsel
for the applicant.

Shri N.K. Srinivasan, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 17.2.94

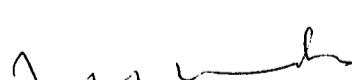
¶ Per Shri M.S. Deshpande, Vice Chairman ¶

By the present application, the applicant seeks regularization of Railway quarter on father to son basis. The applicant's father was working as Motormen Inspector (Group 'C') and retired on 30.6.92. The applicant No. 2 was employed as Khalasi (Group 'D'). By the order dated 16.3.92, sanction was granted to the applicant No.2 to share the quarter with his father on usual terms and conditions with effect from 31.5.91. By the order dated 24.3.92 it was made clear that the applicant ^{will} not get HRA from 31.5.91, and if paid should be recovered. The learned counsel for the

applicant states that the entire amount of HRA has been recovered from the applicant. According to the applicant he became eligible for allotment of Railway quarter on "out of turn basis" in terms of Railway Board order dated 15.1.90 (Exhibit C).

2. No reply was filed by the respondents. The only stand taken by the respondents was with regard to the eligibility of allotment of quarter to the applicant, but the quarter which the father was occupying was the quarter permissible for a Group 'C' and not for a Group 'D' to which the applicant belongs. Since the applicant was eligible for allotment of quarter on father to son basis, the only order that can be made and is being made is that the applicant No.2 be allotted a proper quarter ^{in relation} to a category to which he belongs. Applicant No.2 be allotted the quarter on father to son basis within two months from the date of receipt of this order, subject to the availability of the quarter and until such allotment is made the applicant shall not be evicted from the quarter which he is occupying, if he continues to pay the normal rent.

3. Applicant No. 1 will be entitled to the release of DCRG amount and post retirement Railway passes. DCRG amount shall be paid within one month from the date of receipt of this order.


(M.S. Deshpande)
Vice Chairman