

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD



OA/020/01147/2015

HYDERABAD, this the 07th day of February, 2020.

THE HON'BLE MRS.NAINI JAYASEELAN : ADMINISTRATIVE MEMBER

Y. Vasantha Kumar Rao
S/o Y. Seshagiri Rao, Age 71 years,
Occ : Retd. Senior Ticket Examiner,
O/o CTTI/GTL, Guntakal Division,
South Central Railway, Guntakal.

(By Advocate : Mrs. S. Anuradha) ...Applicant

Vs.

1. Union of India rep by
General Manager,
South Central Railway, Rail Nilayam,
Secunderabad-500 071.
2. The Divisional Railway Manager,
Guntakal Division,
South Central Railway, Guntakal,
Anatapur District.
3. The Senior Divisional Personnel Officer,
Guntakal Division, South Central Railway,
Guntakal,

(By Advocate : Mrs. A. P. Lakshmi, SC for Rlys)Respondents

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(Oral Order per Hon'ble Mrs.Naini Jayaseelan, Administrative Member)



This application is filed under section 19 of the Administrative

Tribunals Act, 1985, for the following relief :-

“In view of the facts mentioned above in the OA the applicant humbly prays that this Hon’ble Tribunal may be pleased to call for the records pertaining to the issuance of Order No.SCR/P-GTL/498/Pass, dated 10.01.2014 issued by R-3 rejecting the applicant’s request for grant of Post Retirement Complimentary Passes and quash the same as illegal, arbitrary, against the principles of natural justice and against the Article 14, 16 & 21 of the Constitution of India, and consequently direct the Respondents to grant post retirement complementary passes to the applicant herein, basing on the representations submitted by the applicant dt.28.10.2014, 03.11.2014, 22.11.2014, 25.12.2014, 07.01.2015 and 13.03.2015 and pass any other order or orders as deemed fit and proper in the circumstances of the case.”

2. Heard Mrs. S. Anuradha, learned counsel for the applicant and Mrs. Parvathi representing Mrs. A. P. Lakshmi, learned Standing Counsel for Respondents.

3. It is the contention of the learned counsel for the applicant that his past service in the Defence Services has not been taken into account for the purpose of issue of post retirement complementary passes. In case the Military Service rendered by the applicant is taken into account as per Railway Board Circular No.65/2008, dated 08.05.2008, the

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applicant would become eligible for post retirement complementary



passes. Although the applicant retired in the year 2002, the Divisional Railway Manager, Guntakal Division, passed the impugned order dated 10.01.2014 rejecting his claim for complementary passes on the ground that the applicant's service rendered in Military has not been counted for settlement dues / Pensionary benefits on the retirement. Hence he is not eligible for issue of Post Retirement Complimentary passes with counting of 50% of service rendered in Military.

4. It is the contention of the learned counsel for the applicant that 50% of the service in the Military is also counted for the pensionary benefits. Learned Counsel for the applicant further submits that, subsequent to the impugned order dated 10.01.2014, the applicant has also submitted two representations dated 07.01.2015 and 13.03.2015. Both the representations have so far not been disposed of by the Department and both the representations are subsequent to the impugned order whereby the request of the applicant was rejected.

5. Learned Standing Counsel for the Respondents took the plea that since the applicant retired in the year 2002, the case was barred by limitation. However it is noticed that the impugned order was passed in

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the year 2014 and since this is the cause of action for the present OA, the OA is not barred by limitation.

6. In view of the fact that, two representations of the applicant are still pending and in view of the Railway Board Circular No.65/2008, dated 08.05.2008, the Respondents are hereby directed to consider the two representations dated 07.01.2015 and 13.03.2015 of the applicant and dispose of the same by a speaking order within a period of two months from the date of receipt of certified copy of this order.

6. No order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER

vi.



decision to count half of past service of Ex-Serviceman and Central Government employees along with Railway service for determining their eligibility for post Retirement Complimentary Passes has been taken on the ground that their past service is also counter for pensionary benefits.