

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 1125/99

New Delhi this the 10th day of February, 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mrs. Shanta Shastry, Member (A)

Amal Kanti Kanjilal,
S/o late Lalit Mohan Kanjilal
R/o Ganguly Bagan Govt. Qurs. Block No. 16,
Flat No. T-7. Calcutta-700047.
and on behalf of all other central Govt. Pensioners.
...Applicant

(None for applicant)

Versus

1. Union of India,
through Secretary,
Ministry of Personnel, Public Grievances and
Pension, Govt. of India, New Delhi-110001.

2. The Chairman, Railway Board,
Ministry of Railways, Govt. of India,
Rail Bhawan, New Delhi-110001.

..Respondents

(By Advocate Shri V.S.R. Krishna)

ORDER (Oral)

By Reddy, J.:-

None appeared for the applicant on the last
several occasions

2. However, the office has received a letter
dated 21.1.2000 stating that the applicant is unable to
come and that the case may be disposed of on merits in
his absence.

3. This OA is in the nature of public
interest litigation. The applicant is a retired
Central Government servant. His sole grievance is that
the Railway passes are being given only to the railway
servants but not to the other Central Government
employees and thus this benefit is discriminatory as

2. violative of the Article 14 and 16 of the Constitution.

In the counter, it is stated that the condition of giving railway passes even after retirement is the condition of service for the Railway Servants only and that the same is not contained in the conditions of service of all the Central Government employees.

4. Rule-9 (1) of the Railway Servants (Pass)

Rules, 1986, says that a post retirement complimentary pass may be issued to a railway servant after retirement or, after he ceases to be a railway servant; and the category of railway servants, the circumstances and the conditions subject to which a pass under sub-rule (1) may be issued were prescribed in Schedule IV.

5. It is thus clear that as per the conditions of service of the railway servants and the Railway Servants (Pass) Rules, 1986 even the retired servants are entitled for free pass. The Railway Servants, though they are Central Government servants, can be said to form a different and distinct class from the general category of Central Government servants ~~as~~ their functions and responsibilities differ from the functions of other Government employees. The Railways had framed the rules stipulating their conditions of service which contain a special provision for issuing passes. Accordingly the retired Railway employees were allowed the passes. Unless the rules are challenged as discriminatory, the facility of 'Passes' cannot be held as discriminatory.

6. In view of the above, it cannot be said that there is discrimination in not providing the railway pass to the applicant and other Central Government employees. In these circumstances, we do not find any violation of Article-14 and 16 in this case. The OA is without substance.

7. The OA is accordingly dismissed. No costs.

L-9
(Mrs Shanta Shastry)
Member (A)

Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)

cc: