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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 2346/95

New Delhi this the 31st day of July, 1996.

Pyare Lal,  
S/o Shri Chotu Ram,  
R/o Quarter No. 30 C,  
Railway Colony, Tuglakabad,  
**New Delhi.**

..Applicant.

By Advocate Shri A.K. Bhardwaj.

Versus

1. Union of India through  
The General Manager,  
Northern Railway, Baroda House,  
**New Delhi.**

2. The Divisional Railway Manager,  
Delhi Division,  
Northern Railway,  
DRM Office,  
**New Delhi.**

3. The Divisional Personnel Officer,  
DRM Office, Delhi Division,  
Northern Railway, Paharganj,  
**New Delhi.**

4. Divisional Superintending Engineer(Estate),  
Delhi Division, Northern,  
Divisional Office, Paharganj,  
**New Delhi.**

..Respondents.

By Advocate Shri D.S. Mahendru, proxy for Shri  
P.S. Mahendru, Counsel.

O R D E R (ORAL)

**Hon'ble Smt. Lakshmi Swaminathan, Member(J).**

Both counsel heard.

The grievance of the applicant in this case is that although he had retired after putting in more than 34 years of service, the respondents have failed to release his post retirement passes, as admissible to him under the rules and also to pay him interest on the delayed payment of DCRG, which was payable to him in February, 1990 and was paid

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in February, 1994.

2. Shri A.K. Bhardwaj, learned counsel for the applicant, has submitted that he is not pressing the claim for interest on the delayed payment of DCRG. Therefore, the only question for consideration is regarding the release of post retirement passes to the applicant, as admissible to him under the rules.

3. The brief facts of the case are that the applicant had retired from service as Yard Master on 18.2.1990, after putting in more than 34 years, on medical grounds. After his retirement, his son, Shri Ravinder Kumar, was appointed as Train Clerk w.e.f. 13.2.1992. Subsequent to his representation, the respondents regularised the quarter of the applicant in the name of his son w.e.f. 1.7.1992. According to the respondents, they had issued notices dated 18.6.1992 and 9.7.1992 regarding payment of damage rent for unauthorised occupation of the Railway quarter and also informing him that for every one month of unauthorised retention of Railway quarter, one set of post retirement passes will be disallowed as per the rules.

4. The respondents have admitted that the Railway quarter was finally regularised in the name of the applicant's son w.e.f. 1.7.1992. The applicant has filed a rejoinder to the reply in which he has more or less taken the same stand as in the application, namely, that in view of the fact that the quarter has been regularised in the name of

the applicant's son, there was no question of retaining the quarter unauthorisedly. The applicant has further submitted that in accordance with the Full Bench judgement of the Tribunal in Wazir Chand Vs. Union of India (CAT FBJ 1988-91 Vol. 287, Bahri Brothers), the respondents / issued the passes in favour of the petitioner under the rules and they cannot stop these on the alleged ground of non-vacation of the quarter.

5. Shri A.K. Bhardwaj, learned counsel, also relies on the recent judgement of this Tribunal in Amar Nath Dhupar Vs. UOI & Others, 1996 SLJ(2) CAT 171). In this case, the Tribunal has referred to the relevant Rule 16(8) of the Railway Service (Pension) Rules, 1993 which deals with withholding of retirement gratuity till vacation of the Railway accommodation. Reference is also made to the judgement of the Supreme Court in Rajpal Wahi Vs. UOI, (SLP 768891/1988) in which the Apex Court has held that in similar circumstances no interest on delayed payment of DCRG can be allowed as per the rules. In any case, in the present case this relief is not being pressed and nothing further need be said on the matter.

6. In Rajpal Wahi's case (Supra), the Supreme Court further held that 'the respondents, however, will issue the passes prospectively from the date of this order'. The Tribunal in Amar Nath Dhupar's case (supra) has, following the decision of the Supreme Court in Rajpal Wahi's case (Supra), directed

the respondents to issue the passes prospectively from the date of issue of the order.

7. In the light of the above judgements and the facts in this case, the O.A. is partly allowed with the following directions:

The respondents shall release the post retirement passes to the applicant prospectively from the date of issue of this order in accordance with the rules. Necessary action in the matter shall be taken by the respondents within two months from the date of receipt of a copy of this order. No order as to costs.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'