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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

O.A. No. 2434 of 1997

New Delhi, dated this the 1st July, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Shri A.N. Bandopadhyay,
S/o late Shri S.K. Bandopadhyay,
R/o G-7, Flat No.30 II Floor,
Sector-15, Rohini,
New Delhi-110085. APPLICANT

(By Advocate: Shri J.K. Bali)

Versus

Union of India through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Chief Administrative Officer (Construction),
Northern Railway, Kashmere Gate,
Delhi. RESPONDENTS

(By Advocate: Shri R.P. Aggarwal)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant prays for release of his Post
Retirement Passes.

2. I have heard Shri Bali for applicant and
Shri Aggarwal for respondents.

3. It is not denied that consequent to
retirement upon superannuation of the applicant on
31.1.92 he was permitted by respondents to retain
^{7 a/1.76.4} the accommodation on payment of appropriate rent
for a period of 8 months. Applicant was required
to vacated the premises on 30.9.92 but in fact he

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vacated the same on 7.11.94 and was thus in unauthorised occupation of the premises for a little over 25 months.

4. Shri Bali has stated that respondents have recovered the entire amount consequent to imposition of damages, etc. from the applicant's retiral dues and this fact is not denied by Shri Aggarwal.

5. In so far as the question of withholding of P.R. Passes is concerned, Shri Bali has invited my attention to the CAT, Full Bench in Wazir Chand Vs. UOI decided on 25.10.90 (Full Bench Judgments CAT Vol.II - Bahri Bros., Delhi) in Para 20 of which it has been held that ^{the} 1982 circular, which forms ^{the} basis of withholding of Post Retirement Passes, infracts Article 14 of the Constitution and hence is unsustainable in law. Nothing has been shown to me by Shri Aggarwal to suggest that the aforesaid judgment in Wazir Chand's case (Supra) has been stayed, modified or set aside by any higher court of law.

6. Having regard to the above, ~~above~~ and Shri Bali's contention that the applicant is now praying for Post Retirement Passes only from the current year i.e. 1998 onwards, I dispose of this O.A. with a direction to respondents to release applicant's Post Retirement Passes as per his entitlement, from the current year onwards.

7. This O.A. stands disposed of accordingly.
No costs.

Antonio
(S.R. ADIGE)
Vice Chairman (A)

/GK/