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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.246/94.

New Delhi, this the 13th day of May, 1994.

SHRI J.P. SHARMA, MEMBER(J).

Shri Raj Rajeshwar Bali,
S/o Shri Jyoti Pd. Bali,
Retired Superintendent,
Commercial Branch, Baroda House, New Delhi.

Residential Address

Raj Rajeshwar Bali,
No. S-96, Basant Enclave,
New Delhi.

...Applicant

By advocate : Shri G.D. Bhandari.

VERSUS

1. Union of India, through
The General Manager, Northern Railway,
Baroda House, New Delhi.
2. The Chief Personnel Officer,
Northern Railway,
Baroda House, New Delhi. ...Respondents

By advocate : Shri H.K. Gangwani, through not present.

ORDER

The applicant retired as Superintendent, Commercial Branch, Northern Railway, Baroda House, New Delhi on 30-4-1989. He was in occupation of a railway quarter which he vacated on 21-9-1992. Earlier, the applicant filed OA-924/92 which was decided on 31-7-1992 where it was also directed that the respondents may also consider the relief of post-retirement passes, according to the rules. The applicant made a representation on 9-11-92 for issue of a complimentary pass from New Delhi to Bombay Central. The applicant has also filed CCP-111/93 but the same was disposed of by the order dated 11-1-1994 that if the petitioner feels aggrieved by non-grant of passes,

he is at liberty to agitate his rights in appropriate proceedings in this regard. The applicant, therefore, filed the present application on 1-2-1994.

2. A notice was issued to the respondents and Shri H.K.Gangwani appeared and prayed for time to file the reply but respondents have not contested the application and not filed any reply. The matter was taken up for hearing on 25-4-1994. The contention of the learned counsel for the applicant is that since he has vacated the railway quarter but the post retirement passes have not been released. The learned counsel has placed reliance on a full bench decision in the case of WAZIR CHAND VS. UNION OF INDIA (OA -2573/89) decided on 25-10-90 where it has been held that disallowing of one set of post retirement passes for unauthorised retention of railway quarter is unwarranted. In view of this decided case, since the applicant has vacated the quarter, there is no justification for the respondents to hold the post-retirement passes, to which the applicant is entitled, as per the service conditions.

3. The application is, therefore, allowed. The respondents are directed to issue post-retirement passes w.e.f. the year 1994 as per extant rules within three months from the date of the receipt of the copy of the judgment and in case a prayer is made by the applicant. The application disposed of accordingly, with no order as to costs.

J.P.Sharma

(J.P.SHARMA)
MEMBER (J)

'KALRA'