

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1747 of 1994

New Delhi this the 10th day of April, 1995

Mr. K. Muthukumar, Member(A)
Mr. P. Suryaprakasam, Member(J)

Shri Gurdarshan Singh
R/o Bungalow No.T-11/B,
Railway Colony,
Dehradun.

..Applicant

By Advocate Shri R.K. Kamal

Versus

1. Union of India
through Secretary,
Railway Board,
Rail Bhawan,
Rafi Marg,
New Delhi.
2. General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. Divisional Railway Manager,
Northern Railway,
Moradabad Division,
Moradabad.

..Respondents

By Advocate D.S. Mahendru

ORDER (ORAL)

Mr. K. Muthukumar, Member(A)

This application is filed by the applicant for quashing the impugned order at Annexure A-1 and also for a direction from this Tribunal to the respondents for issue final settlement passes and complementary passes and packing allowance. There is also a prayer for a direction from this Tribunal not to charge penal rent for the occupation of the quarter. The counsel for the applicant states that subsequent to the order of this Tribunal dated 08.10.93 in OA No. 1062 of 1993

directing the applicant to vacate the Railway quarter within one month from the date of receipt of the judgment, the applicant had vacated this quarter and had proceeded to his place of permanent residence and thereafter, the learned counsel for the applicant states at the Bar that the applicant is not pressing for the relief regarding the quashing of the impugned order, which was nothing but a letter asking the applicant to vacate the Railway quarter and also the charge of penal rent. The learned counsel for the applicant, however, states that in regard to the relief No.(ii), only the matter which still survives is the question of packing allowance. The learned counsel for the applicant states that under the orders issued by the Railways every employee is entitled to packing allowance on his final retirement and consequent travel to his final place of settlement. The learned counsel for the applicant does not press the relief on the question of final settlement passes. So the relief claimed is only with respect to two issues: (i) the complementary retirement passes which are admissible to retired Railway employees and (ii) payment of packing allowance.

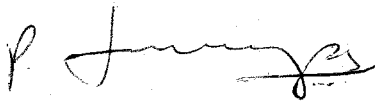
In the counter-affidavit filed by the respondents, they have stated that the applicant had failed to apply for settlement and wagon passes within the prescribed period and, therefore, the same could not be issued to him. There is no specific averment in the counter-affidavit regarding the complementary

retirement passes and packing allowance, as pressed in the application in paragraph 4.5 and 4.5(ii) and also in the relief clause. The learned counsel for the respondents has also not been able to show us how the packing allowance, that is provided to the Railway employees in terms of the Railway Circular No.9126 relating to packing allowance, is not admissible in the case of the applicant. 11

The learned counsel for the respondents, however, does not dispute the question of the applicant's entitlement to the complementary passes. He is, however, not forthcoming in regard to the packing allowance but however states in view of the fact that the impugned Annexure A-1 has become infructuous on the vacation of the quarter by the applicant and also in view of the fact that this is not being pressed by the learned counsel for the applicant, the question of payment of packing allowance is not covered. We, however, do not accept this contention, as in paragraph 4.5 of the application specific averment is made regarding nonpayment of packing allowances. In the counter-affidavit, the respondents have not specifically denied the applicant's entitlement for packing allowance.

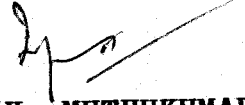
We, therefore, direct the respondents to consider the entitlement of packing allowance to the applicant in terms of Railway Board's Circular issued on subject and make such payment, if he is entitled to it, within a period of 2 months from the date of receipt of this order.

The application is disposed of with the
above directions. There shall be no order as to
costs.



(P. SURYAPRAKASAM)
MEMBER (A)

RKS



(K. MUTHUKUMAR)
MEMBER(A)