

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

C.P.NO.09/95  
IN  
O.A.NO.2688/93

Hon'ble Shri Justice S.C.Mathur, Chairman  
Hon'ble Shri P.T.Thiruvengadam, Member(A)

New Delhi, this 5th day of April, 1995

Shri P.S.Khare  
s/o Shri N.D.Khare  
Chief Law Assistant  
Divisional Railway Manager  
Northern Railway  
New Delhi  
r/o Quarter No.4034  
Gali No.2  
Opp. Govt. Higher Secondary School  
Ram Chander Bagichi  
Paharganj  
New Delhi - 110 055.

.... Petitioner

(BY Shri H.P.Chakravorti, Advocate)

Versus

Mr. L.K.Sinha  
General Manager  
Northern Railway  
Baroda House  
New Delhi

Shri I.P.S.Anand  
Divisional Railway Manager  
Northern Railway  
New Delhi.

.... Respondents

(BY Shri R.L.Dhawan, Advocate)

O R D E R

Hon'ble Shri P.T.Thiruvengadam, Member(A)

The applicant who was working as Chief Law Assistant has been placed under suspension because of a raid by Central Bureau of Investigation and disciplinary proceedings are pending. He has been suspended under Rule 5 of D.A.R. by order dated 21.7.1992. He was aggrieved that his request for issue of Railway Passes under Railway Servants (Pass) Rules 1986 has not been favourably considered by the respondents. Accordingly, he had filed OA No.2688/93 with a

prayer that directions be issued for the release of three sets of passes and six sets of PTOs on privilege account due to the petitioner in the current year 1993, as requested by him in his representation dated 3.12.1993. This OA was disposed of with the following directions on 4.8.1994.

"The application, therefore, is disposed of with a direction to the respondents that the applicant's family as well as applicant may be considered for grant of pass under Schedule (VI) para-22 of the Rules and they should take decision within a period of 15 days from the date of submission of representation for issue of passes either to the applicant or to his dependent family members. If the above representation of the applicant is not disposed of within the stipulated period, the said pass shall be issued to the applicant by the competent authority within 15 days, thereafter."

2. Subsequent to the above order, the applicant filed a representation on 22.8.1994 for issue of Passes and PTOs. This Contempt Petition has been filed in December, 1994 alleging disobedience of the orders passed by this Tribunal in OA No.2688/93. Learned counsel for the applicant argued that applicant is eligible for the full complement of privilege Passes/PTOs for the Calendar Years 1993 and 1994. He admitted that after the filing of the Contempt Petition, one set of Pass has been issued in the month of February, 1995 but argued this is hardly any compliance.

3. Learned counsel for the respondents argued that the operative portion of the order dated 4.8.1994 is only for the grant of pass under Schedule VI Para XXII of the (Pass) Rules, 1986. This schedule refers to the issue of special passes and sub para XXII reads as under:

"(i) Passes/PTOs may be granted to Railway servants under suspension in exceptional circumstances and not as a matter of course when the Railway Servant is permitted to leave the station by an authority not lower than that which suspended him.

(ii) The Passes/PTOs to railway servants under suspension are given on the following scales:-

GROUP	PASSES	PTOs
A&B	3 sets provided that if in the pass account of the Officer for the year more than half the number due to him has been availed of, no further pass shall be given. If the officer is subsequently retained in service after release from suspension, the passes issued to him during the period of suspension falling within the current calendar year shall be debited to his pass account.	Not more than 2 sets per year. Other stipulations similar to those for passes shall also apply.
C&D	Not more than one set of Pass, provided that if in the pass account of railway servant for the year only one set of pass remain to his credit, no pass can be issued. If the railway servant is retained in service after release from suspension the passes issued to him during the period of suspension falling within the current calendar year shall be debited to his pass account.	Not more than 2 sets per year. Other stipulations similar to those for passes shall also apply.

4. As per the directions of this Tribunal a decision had to be taken by the respondents within a period of 15 days from the date of submission of representation for issue of passes. In the context, the representation to be taken into account could only be representation which was submitted by the applicant on 22.8.1994. Since, the directions were to issue pass under Schedule VI para XXII the eligibility got restricted to only one pass and accordingly, one set has been issued in February, 1995.

(16)

5. We find that the action taken by the respondents is in conformity with the orders passed in the OA.

6. The learned counsel for the applicant then expressed an apprehension that the pass issued in February, 1995 may be set off against the Calendar Year 1995. He referred to the orders passed on 4.8.1994 directing if the representation of the applicant is not disposed of within the stipulated period of 15 days, the said pass shall be issued to the applicant by the competent authority within 15 days thereafter. We note that the representation was given on 22.8.1994 on which no action was taken for quite sometime. Hence the issue of the pass in February, 1995 should be taken as the pass issued in pursuance to the representation in August, 1994.

7. Other than the above observation, we do not find any merit in favour of the applicant. The Contempt Application is accordingly dismissed and the notice issued is hereby discharged. There shall be no order as to costs.

*P. J. Thiruvengadam*

(P.T. THIRUVENGADAM)  
MEMBER (A)

*S. C. Mathur*

(S.C. MATHUR)  
CHAIRMAN

/RAO/