

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
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O.A. NO. 2385/90

19.05.92

Shri Sushil Bhatnagar

...Applicant

vs.

Union of India & Anr.

...Respondents

JURAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Sh.S.K. Sawhney

For the Respondents

...Sh.P.S. Mahendru

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

The applicant, retired Chief Ticket Inspector, filed this application aggrieved by the order dt.19.9.1990 and another order dt.15.12.1989 passed by DRM, Northern Railway, withholding the post retirement passes which were due to him on his retirement on 16.5.1989 on the ground that the applicant over stayed in the allotted Railway Quarter No.28/E Mahavat Khan Road, New Delhi beyond the period of permission accorded to him.

2. The learned counsel for the applicant stated that the quarter has since been vacated on 1.8.1990 and referred to the decision of the case of Union of India vs. Shiv Charan,

reported in 1992 (19) ATC 129 wherein the Hon'ble Supreme Court held that the award of DCRG and the unauthorised occupation of the Railway quarter are distinct and separate matters and the retired Railway employee can claim DCRG with interest while the Railway administration can realise panel rent for unauthorised retention of the Railway quarter after retirement. The learned counsel has also referred to the case of Wazir Chand vs. Union of India, decided by the Full Bench, (F.B.Judgement Behari Brothers v/s II Page 287) wherein the Full Bench of the Central Administrative Tribunal also held that the withholding of the post retirement passes cannot in any way be connected with the retention of the Railway quarter by the Railway employee after retirement.

3. The learned counsel for the respondents referred to the reply filed on behalf of the respondents in which the averment made in the OA have been replied parawise and argued that since the applicant continued to remain in possession of the allotted Railway quarter in an unauthorised manner even after retirement from service on 15.5.1989 and sought permission to retain the allotted Railway accommodation only upto 16.9.1989, as per the Railway Board's Circular for every month's illegal retention, two sets of Railway passes have been withheld.

4. I have considered the whole matter in the light of the aforesaid pronouncements of the Full Bench judgement of the

(B)

Central Administrative Tribunal as well as of the judgement of the Hon'ble Supreme Court in the case of UOI vs. Shiv Charan and action of the respondents in withholding the post retirement passes cannot be justified.

5. In view of the above facts, the application is allowed and the respondents are directed not to withhold the post retirement passes. The applicant had already been allowed by <sup>R</sup><sub>L</sub> <sup>order</sup> the interim relief of releasing the withheld passes by <sup>A</sup> the order dt.12.12.1990. The respondents are directed to continue to release the said passes as per rules. The respondents to comply with the above directions within a period of three months from the date of receipt of a copy of this order. In the circumstances, the parties to bear their own costs.

*Sharma*  
19.5.92  
(J.P. SHARMA)  
MEMBER (J)

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