

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 678 of 1996

Allahabad this the 13th day of October, 2000

Hon'ble Mr.S.K.I. Naqvi, J.M.

Shri Mukhtayar Singh, S/o Late Nathan Singh,
Aged about 56 years, R/o R-14/82, Raj Nagar,
Ghaziabad (U.P.).

Applicant

By Advocate Shri K.N. Katiyar

Versus

1. Union of India, represented by Chairman Railway Board and Ex-officio Principal Secretary to the Govt. of India, Ministry of Railways, Rail Bhawan, New Delhi.
2. The General Manager, South Eastern Railway, Garden Reach, Calcutta.

Respondents

By Advocate Shri Prashant Mathur

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

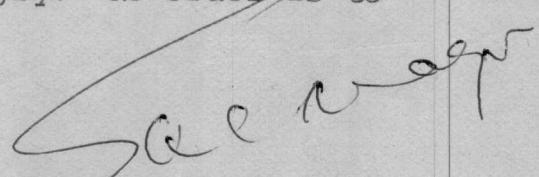
AS per facts of the app-case, the applicant was compulsorily retired on 13.7.1989 and as retiral benefit he applied for issue of two sets of post retirement complimentary passes for each of the calendar years, but his prayer was refused vide impugned order (annexure A-1) dated 27.4.95 in terms of Railway Board letter no. E(G)81 C R 1-51 dated 24.4.1982. The applicant

has come up seeking redressal against this refusal.

2. The respondents have contested the case and filed the counter.reply.

3. Heard, the learned counsel for the parties and perused the record.

4. In view of law handed down in Wazir Chand Vs. U.O.I. (1996) 32 A.T.C. page 372 (F.B.# C.A.T., New Delhi', this circular of 1982 has been held to be unconstitutional and, therefore, the impugned order(ann.A-1) can also not be sustained, which is quashed accordingly. Since the time cannot be taken back in retrospect, therefore, no redressal can be made for the inconvenience already suffered by the applicant because of this impugned order, but for the future, the respondents shall take care of rules and directions as well as the court observations in this regard, and issue passes to the applicant, as may be admissible to him. The O.A. is disposed of accordingly. No order as to costs.


Member (J)

/M.M./