

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 263 of 1998

Allahabad this the 15th day of February, 2000

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

Dadhipal Singh, Son of Late Bali Ram Singh, Aged about 64 years, Resident of Village Lapsipur, Post Lapsipur, District Azamgarh.

Applicant

By Advocate Shri A.K. Srivastava

Versus

1. The Union of India through the General Manager Railway, C.L.W. Chitranjan, West Bengal.
2. FaA. & C.A.O., C.L.W. Chittranjan, West Bengal.
3. Depy Chief Personal Officer, C.L.W. Chittranjan Bardhwan, West Bengal.

Respondents

By Advocate Shri A.K. Gaur.

O R D E R (Oral)

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

Shri Dadhipal Singh has come up under Section 19 of the Administrative Tribunals Act, 1985 with the prayer for direction to the respondents to make payment of post-retirement benefits and also to

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issue two railway passes as per his entitlement.

2. As per applicant's case, he retired on 01.9.1992 from the post of Master Craftman Fitting and after retirement, he retained the house of the railway department in his possession due to illness of his wife, for which he was duly permitted by the railway department and subsequently he vacated the house when it was allotted to Sri B. Pandey. It has also been mentioned in the O.A. that the respondents have not paid his after retirement benefits and have refused to issue the pass for which he was entitled and, therefore, he has come up before the Tribunal.

3. The respondents have contested the case and filed counter-reply in which it has been mentioned that the applicant was in occupation of railway quarter no. A/1 B St.no.46 and even after his retirement he was permitted to retain the quarter, first for 4 months from 01.9.1992 to 31.12.1992 on normal rent and thereafter for another period of 4 months from 01.1.1993 to 30.4.1993 on double rent, in terms of Railway Board's letter dated 30.6.1986. This facility was provided on the ground of sickness of wife of the applicant but the applicant retained the railway quarter even thereafter and vacated the same on 03rd April, 1996 and, therefore, liable to pay the damage rent for 35 months and 3 days. It has also been mentioned that after deduction of due ~~due~~ amount on account of normal rent and damage rent, the amount to which the applicant was entitled, has already been paid to him and regarding railway passes, it has been mentioned that in terms of Railway Board letter dated

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24.4.1982, for every month of unauthorised retention of railway quarter, 35 sets of post retirement passes have to be disallowed.

4. Heard, the learned counsel for the either parties and have perused the record.

5. In this matter, it is not in dispute that the applicant retained the railway quarter even after his retirement and after the period permitted on the request of the applicant on the ground of illness of his wife and, therefore, he cannot escape from the liability of payment of damage rent. *The other payments due on retirement have been mentioned to be already settled.*

6. Under the above circumstances, I do not find any merit in the matter to issue direction, as prayed for in respect of damage rent and the deduction thereof. The O.A. is dismissed accordingly. However, before parting with the matter, it is observed that it will be too harsh to deny the post retiral benefit to the applicant in respect of passes, who has served the respondents during prime period of his ^{life} age and, therefore, it will be in the fitness of the circumstances to direct the respondents to release the post retiral passes as ^{he} may be entitled to ^{to} him. There will be no order as to costs.

S. S. Singh
Member (J)

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