

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

9

O.A. No. 525 OF 1989  
~~Ex. No. x~~

DATE OF DECISION 11.02.1992

Kripashankar U. Pandya, Petitioner

Miss. Pragna V. Pandya for Advocate for the Petitioner(s)  
Mr. S.V. Raju.

Versus

Union of India & Ors. Respondent<sub>s</sub>

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

Kripashankar Umiyashankar Pandya,  
residing at  
'Ambakrupa' Chandranagar,  
Behind Amrapali Cinema,  
Besides Bajrang School  
Corner of Subhashnagar Charrasta,  
Aerodrome Road,  
Rajkot. .... Applicant.

(Advocate: Miss. Pragna V. Pandya for  
Mr. S.V. Raju.)

Versus

1. Union of India,  
Notice to be served on  
the Secretary,  
Railway Ministry,  
Rail Bhavan,  
New Delhi.

2. General Manager,  
Western Railway,  
Churchgate, Bombay.

3. Accounts Officer,  
Western Railway,  
Kothi Compound,  
Rajkot. .... Respondents.

(Advocate: Mr. B.R. Kyada)

J U D G M E N T

O.A.No. 525 OF 1989

Date: 11.2.1992

Per: Hon'ble Mr. R.C. Bhatt, Judicial Member.

Heard Miss. Pragna V. Pandya for

Mr. S.V. Raju, learned counsel for the applicant  
and Mr. B.R. Kyada, learned counsel for the  
respondents.

2. The applicant, an Artisan Khalasi, who  
retired from the service of the respondents  
railway on 31st May, 1985 has filed this  
application under section 19 of the Administrative

(11)

Tribunals Act, 1985, for a declaration that the action of the respondents in granting post retirement railway pass to Class IV in alternative years and only for himself and his wife is arbitrary, capricious and violative of the provisions of Articles 14 & 16 of the Constitution of India. The respondents have resisted this application by filing reply.

3. The learned advocate Miss. Pandya for the applicant submitted that the resolution produced by the applicant at Annexure A, No. 33(E) (Trg) 1-69 Ps 5-6/57 dated 23rd September, 1969 which says that Class IV railway servant is eligible for passes under the said rules for himself and his wife only and not for children and that Class IV railway servants with not less than 25 years service is entitled to one set every alternate year is arbitrary and violative of Article 14 & 16 of the Constitution of India. It is alleged in the application that as far as other Class IV employees are concerned, railway passes are granted not only to the employee and his wife but also for the children and that to every year while the above restriction is put for Class IV employees. It is alleged in the application that as far as Class IV railway servants are concerned,

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they are paid less salary and they have to bear lot of economic burden during their entire career and if at all passes <sup>it is required to be given to</sup> required to be given, all the members of the family of Class IV railway servants who cannot afford to spend more money compared to other class and category of employees who are paid higher salary and who have better economic position. It is, therefore, the case of the applicant that in the interest of justice as well as equity requires that railway pass be given to even Class IV railway employees every year. The learned advocate Mr. Kyada for the respondents submitted that in the case of post retirement pass, so far Class IV staff employees are concerned, they get one set every alternate year and they are entitled to only self and wife to travel on their passes, while in other cases minor children are also allowed. He submitted that so far the gazetted officers between 20 to 25 years of service are concerned, they get two sets of those who have put more than 25 years service, they are entitled to three sets of passes every year while in case of Class III employees, they are entitled to one set of passes and two sets respectively.

4. Miss. Pragna Pandya submitted that the benefits of passes which are given to class III

employees also should be given to Class IV employees to which learned advocate Mr. Kyada submitted that the rules are framed by the Railway Ministry and it is uniformly applied to every railway employees through out India according to the category of the calss to which the employees belongs. He submitted that there is no discrimination between the class IV employees inter se. He submitted that if more advantage is given to Class III or Class II or Gazetted officers of railway, then the benefits <sup>given</sup> to Class IV employees, it cannot be said that there is discrimination between Class IV employees and it cannot be said that the rule framed regarding railway passes for Class IV railway servant on their retirement is discriminatory under Article 14 or under Article 16 of the Constitution of India on the ground that it is not at par with other category or calss of railway servants. Mr. Kyada submitted that the issuance of railway passes is not a condition of service and in any case it is a policy decision. He submitted that there is no question of discrimination, as alleged.

5. I have considered the submissions of learned advocates of the parties and I do not agree with the submission of learned advocate for



the applicant that the rule regarding issuance of railway passes to Class IV servants should be at par with Class III or other class or category of railway servants. The discrimination <sup>in</sup> of question would only arise if the railway authority has made discrimination between the persons belonging to the same class meaning thereby that if one set of Class IV servants is given more benefit than the other set of Class IV employees and everything being equal if there is disadvantage to some persons of the same class compared to others then the question of discrimination will arise. It is not the case of the applicant that he is discriminated with other fellow of class IV category. Therefore, there is no discrimination as alleged by the applicant and the applicant is not entitled to the relief prayed for. Hence the following order :

ORDER

The application is dismissed. No order as to costs. The application is disposed of.

( R.C. Bhatt )  
Member (J)

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(8)

Coram : Hon'ble Mr.M.M.Singh : Administrative Member

5/1/1990

Mr.S.V.Raju learned advocate for the applicant is not present. Mr.B.R.Kyada the learned advocate for the respondents has sent a leave note. The applicant is however present. Pending hearing for admission. Issue notice to the respondents for reply on merits. Seeing the contents of the petition, there is no legitimate ground for interim order.

M. M. Singh  
( M.M.Singh )  
Administrative Member

AIT

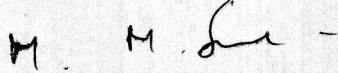
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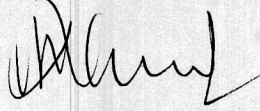
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CORAM : Hon'ble Mr. A.V. Haridasan .. Judicial Member  
Hon'ble Mr. M.M. Singh .. Administrative Member

2.2.1990

Mr. S.V. Raju, learned counsel for the applicant has filed sick note. Respondents have filed their reply. The application is admitted. The case is ready for final hearing. Registry to post the case for final hearing in due course.

  
( M M Singh )  
Administrative Member

  
( A V Haridasan )  
Judicial Member

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