

*Recd.*

**IN THE CENTRAL ADMINISTRATIVE TRIAUNAL**  
**AHMEDABAD BENCH**

**O.A. No. 178 & 179 of 1992**  
~~Exhibit~~

**DATE OF DECISION** 31.3.1992

Shri B.B. Ranchodbhai Petitioner

Shri Abdulbhai Kadarbhai I.

Shri M.M. Xavier Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri R.M. Vin Advocate for the Respondent(s)

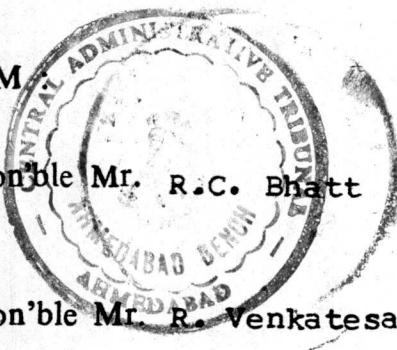
**CORAM**

The Hon'ble Mr. R.C. Bhatt

: Member (A)

The Hon'ble Mr. R. Venkatesan

: Member (A)



O.A.No.178 of 1992

Shri Baraiya Babubhai Ranchodhbhai,  
Old Chamunda Fali,  
Linda Chawk,  
Bhavnagar - 364 001.

: Applicant

O.A.No.179 of 1992

Shri Abdulbhai Kadarbhai I.,  
Vadva,  
Sidiwad,  
Bhavnagar.

: Applicant

(Advocate : Shri M.M. Xavier)

VS.

1. The Union of India, through  
The General Manager,  
Churchgate,  
Bombay - 400 020.
2. The Works Manager's Office,  
Bhavnagar Para Workshops,  
Western Railway,  
Bhavnagar Para.
3. The Assistant Accounts Officer,  
Bhavnagar Para Workshop & Stores,  
Bhavnagar Para.
4. The Shop Superintendent,  
Workshop,  
Western Railway,  
Bhavnagar Para.

: Respondents

(Advocate : Shri R.M.Vin)



COMMON ORAL ORDER

O.A.Nos. 178 & 179 of 1992

Date : 31.3. 1992

Per : Hon'ble Shri R.C. Bhatt

: Member (J)

These two applications are put before us being  
urgent patters. Mr. M.M. Xavier appears for the applicant

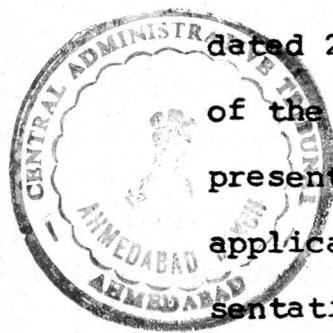
and Mr. R.M. Vin appears for the respondents. These two applications relate to almost identical facts. Mr. Vin waives notice and files appearance. Both these applications are filed under Section 19 of the Administrative Tribunals Act by the applicants challenging the order, annexure A/1, by which the respondents want to recover the amount from the applicants on the ground that the applicants, in each case, after retirement availed complimentary pass of higher class than his entitlement. The

  
impugned order, annexure A/1, in each case is dated 27.2.1992. We dispose of both the application together as the facts are almost identical. Mr. Xavier, learned advocate for the applicant in each case submitted that as per the existing rules a railway servant was entitled to Ist Class Privilage/Complimentary Pass when his basic pay with or without special pay, if any, reached the stage of Rs.1560/- and the applicants had reached that stage before their retirement. It is also the case of the applicants that the impugned orders are passed without giving them any opportunity to be heard, and hence, this order is violative of principle of natural justice. The impugned order is dated 27.2.1992 and we suggested the learned

advocate for the applicant to make representation to the competent authority against this impugned order. The learned advocate for the applicant submitted that each applicant would make such representation, but, till the representations are disposed of by the competent authority the respondents should be restrained from implementing and recovering the amount mentioned in the impugned order. We deem just and proper to pass an order regarding the same as under :-

O R D E R

The application is partly allowed. The applicant in each case to represent against the impugned order, annexure A/1,



dated 27.2.1992. The competent authority of the respondents to dispose of the representation made by the applicant. The applicant in each case shall make representation within one month from today.

The respondents competent authority to decide the representation and dispose of the same as early as possible. In case the applicant is aggrieved by the final order of the respondents, he would be at liberty to move the Tribunal according to law. The implementation of the impugned order, annexure A/1, is stayed till one month after the decision by the respondents on the representation that

may be made by the applicant in case  
they decide against the applicant.

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

Sd/-

Sd/-

(R. Venkatesan)  
Member (A)

(R.C. Bhatt)  
Member (J)

\*Ani.

Prepared by : Bishah  
6/10/92  
Compared by :  
TRUE COPY  
Signature

Section Officer (.)  
Central Administrative Tribunal  
Ahmedabad Bench