

Serial No. of Order	Date of Order	Order with Signature
	15.11.2001	<p>Learned counsel for the petitioner Shri B.K.Rout is absent without any request for adjournment. In this 1996 matter pleadings have been completed long ago. It is therefore, not possible to drag on the matter indefinitely, more so in the absence of any request for adjournment. I have, therefore, heard Shri D.N.Mishra, learned Standing Counsel appearing for the respondents and perused the pleadings.</p> <p>In this O.A. the petitioner, who is a retired Chief Locomotive Inspector (Elect) has prayed for quashing the letter dated 11.5.1996 (Annexure-1) refusing grant of complimentary pass in his favour. His second prayer is for direction to respondents to allow him two sets of 1st class free complimentary passes per year to the applicant and to release undelivered free complimentary passes due to him since 1993. Respondents have filed their counter opposing the prayer of the applicant, copy of which has been served on the learned counsel on 19.11.1998. But no rejoinder has been filed.</p> <p>For the purpose of considering this petition it is not necessary to go into too many facts of this case. The admitted position is that the applicant retired as Chief Locomotive Inspector (Elect) at Bandamunda on 30.11.1993. He had earlier filed O.A. 324/96 for direction to respondents to issue him complimentary passes and according to him, the Tribunal in their order dated 30.4.1996 (copy not enclosed) directed that the representation filed by him should be disposed of through a reasoned order within three weeks from the date of receipt of that copy of the order. It is also the admitted position that thereafter vide impugned</p> <p style="text-align: right;">Order no. 2 Dt. 3.2.97</p> <p style="text-align: right;">Notice with A copy of Order Dt. 3.2.96 with the copy of application may be sent to all respondents by Regd. post/A.D.</p> <p style="text-align: right;">Ar 7/2/97 <i>Shankh</i> 07.02.97 C.O. (T)</p> <p style="text-align: right;">For hearing <i>Fabro</i> (31/1) <i>Bench</i></p> <p style="text-align: right;"><i>J.D.M.</i></p>

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orderdated 11.5.1996 his representation was rejected and grant of complimentary passes to the applicant is refused. From the order at Annexure-1 it appears that after his retirement the applicant was allowed to retain the Govt. quarters in his occupation for four months from 1.12.1993 to 31.03.1994 on flat rate licence fee and again from 1.4.1994 to 31.7.1994 for a period of four months on payment of special licence fee. The applicant continued to remain in occupation of the quarters unauthorisedly from 1.8.1994 to 26.9.1995. It further appears that in 1993 the applicant was issued with two sets of complimentary passes during the period he was in occupation of the Govt. quarters on the basis of permission granted to him. It further appears that the Railway Board in their order dated 18.3.1983 directed that one set of post retirement passes should be withheld from every month for unauthorised retention of quarters by retired officer and staff with cumulative effect. The applicant challenges the action ~~of~~ taken by the respondents in pursuance of the above order dated 18.3.1983 refusing post retirement privilege pass to him. It has been averred by the applicant that for unauthorised retention of the quarters for the period mentioned above, a sum of Rs.32,500 and odd had been recovered from the D.C.R.G. towards rent and electricity charges, inclusive of arrears of houserent from 1.7.1987 to 30.11.93, i.e. the date of superannuation of the applicant. The applicant has stated that once for unauthorised occupation higher rent has been recovered from him privilege passes should not have been denied to him. Moreover it is stated that such denial of privilege pass is not envisaged under the Railway Complimentary Pass Rules.

I have considered the above averments carefully. The Railway Board in their order dated 18.3.1983 have directed withholding of one set of ~~post~~ retirement privilege pass with cumulative effect for each month for unauthorised occupation of Govt. quarters

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Free copy of
the order dt.15-11-01
given to the
both counsel.

R.D.M.I
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after retirement. The Hon'ble Supreme Court
have held that ~~xxx~~ circulars issued by the
Railway Board which are applicable to a class
of persons are statutory in nature.
This is reported in The Railway Board and
others vrs. P.R.Subramaniyam, AIR 1978
SC 284. In this view of the matter no fault
can be found with the circular dated 18.3.1983
issued by the Railway Board. Privilege Passes
are required to be issued in terms of instruc-
tions/circulars which are in force and these
provide for refusal of post retirement privilege
passes for unauthorised retention of Govt.
quarters, as mentioned earlier. Respondents
have stated that the period of ~~xx~~ withholding
of privilege passes will be over by 2001 and
from 2002 the applicant will be entitled to
two sets of privilege passes. In view of the
above, we find no ~~merit~~ merit in the prayer
of the applicant made in this O.A. which is
accordingly rejected, but without any order
as to costs.

✓ Onnathivu
VICE-CHAIRMAN
15/11/2001