

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. M.A. 169 of 1999
(O.A. 851 of 1996)

Present : Hon'ble Mr. G. S. Maingi, Administrative Member.

PROVAT KUMAR DAS

... Applicant

Vs.

1. Union of India through the
General Manager, Eastern Railway,
Fairlie Place, Calcutta-1.
2. General Manager (Pass),
Eastern Railway, Fairlie Place
Calcutta-1.

... Respondents

For the applicant : Mr. B. C. Sinha, counsel.

For the respondents:

Heard on : 20.9.1999

Order on : 23.09.99

ORDER

This M.A. being no. 169 of 1999 has been filed by the applicant on 19.3.1999. The applicant is a retired employee of the Eastern Railway. He has in this M.A. stated that he retired from service on superannuation w.e.f. 1.2.1993 and he had at his credit 2 sets of First Class 'A' passes for the year ending 31st December, 1998, which can be issued and availed up to 30.4.1999. The applicant has relied upon the orders of this Tribunal passed on 22.4.1996 in M.A. 121 of 1996 (O.A. 254 of 1996) - Prodyot Kumar Datta vs. UOI & Ors. The applicant has also relied upon a contempt petition no. 121 of 1993 (O.A. 641 of 1993) - Haridas Chakraborty vs. UOI & Ors. The applicant in this M.A. has prayed for a direction upon the respondent no. 2 to issue him one set of post-retirement complimentary pass, ex-Howrah/Sealdah to Shimla and back with B/J at DL/NDLs both ways.

LSM

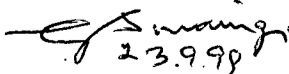
2. The background of this case is that the applicant retired from Railway service on superannuation w.e.f.1.2.1993, but failed to vacate the railway quarters till 31.5.1996. Earlier to it, he had filed another miscellaneous application being no.499 of 1997. In that M.A. also he had prayed for granting him First Class Pass for the year ending 31st December, 1997. The said M.A. was disposed of by this Tribunal on 3.6.1999, as being not pressed. In this M.A., Mr.B.C.Sinha, the ld.counsel for the applicant has made his submissions. None has appeared on behalf of the respondents.

3. It is found from the order dated 3.5.1999 passed in this M.A. that the applicant has already been granted one set of post-retirement complimentary pass as per the order dated 21.12.1998 of this Tribunal.

4. I have considered the matter carefully. It is seen that the applicant had not been cooperating with the respondents in the matter of vacation of the Railway quarters and overstayed in the quarters for more than 2 years. In fact, after retiring from service, the applicant should have set an example for others by vacating the railway quarters immediately, when the period of extension and entitlement was over. The main original application being No.851 of 1996 is pending before this Tribunal and the same has been adjourned to 2.2.2000.

5. As far as issue of post-retirement complimentary pass to the applicant for the period ending 31st December, 1998, is concerned, the ground for claiming the same does not appear to be very convincing as on the same ground the applicant had availed the complimentary post-retirement pass some time back under the orders of this Tribunal, the ailment being Gastro Internal Syndrome, which does not necessitate change of climate or change of station. As the time for issue of complimentary pass has already expired, I am not inclined to pass any direction to the authority for issuing post-retirement complimentary pass to the applicant.

6. In view of the above, the ^{misc.} application of the applicant is rejected, without any order as to costs.


23.9.99
(G. S. Maingi)
Administrative Member