

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

— — —

O.A. No. 254 of 1996.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Prodyot Kr. Dutta,
S/o- late, N.K. Dutta,
329, Jodhpur Park, PS. Jadavpur,
Calcutta- 68.

... ... Applicant.

Vrs.

1. Union of India,
service through the
General Manager,
SE Rly, Calcutta- 43.
2. General Manager,
SE Rly, GRC,
Cal- 43.
3. General Manager,
E. Railway,
Fairly Place,
Calcutta- 1.
4. Secretary (E),
Railway Board,
Rail Bhavan,
New Delhi-1.

... ... Respondents.

For applicant : Mr. B.C. Sinha, Counsel.

For respondents : SE Rly : Ms. B. Ray, Counsel,
E.Rly : Mr. P.K. Arora, Counsel.

Heard on : 3.7.97.

Ordered on: 3.7.97.

O R D E R

B.C. Sarma, AM.

1. A simple issue ^{dispute} required to be adjudicated in this case is about the non-granting of post-retirement complimentary passes to the applicant after his retirement on the ground that he has not vacated the railway quarter, which is a leased flat of the E. Rly. respondents.

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2. The applicant retired from service as an Additional General Manager of the South Eastern Railway. After he took voluntary retirement on 15.11.1988, the quarter allotted to him, while he was functioning under the Eastern Railway respondents, was not vacated by him. The said quarter was leased from the private owner and the extension was still granted by the respondents till 30th April, 1991 and, ^{even} thereafter, the applicant did not vacate the said railway quarter. The railway respondents ~~had~~ had passed eviction order on 5.2.1991 but the applicant did not vacate the railway quarter. Ultimately, when the hearing of the matter was taken up today, Mr. Sinha, 1d. Counsel for the applicant, submits that the applicant has vacated the said quarter w.e.f. 3rd February, 1997. In this connection, he has also produced before us the necessary documents.

3. The case has been opposed by the respondents both by the SE Rly and the E. Railway by filing separate reply, which we have perused.

4. We have heard the submission of the learned Counsel for both the parties and perused the records. The law regarding issue of post-retirement complimentary passes is now well settled. No one is permitted to get the post-retirement complimentary passes during unauthorised occupation of the railway quarter and this has to be obeyed by all the railway employees. We find that in this case, the applicant was a very senior officer in the rank of Additional General Manager of the SE Rly at the time of retirement. It is unfortunate that an officer of this rank and status to have behaved irresponsibilities like this. We find that the respondents have also very liberally acted in so far as the applicant is concerned. It is not understood by us as to under what law they have given extension of stay after his retirement till 30.4.1991. Whatever that may be,

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the fact remains that, on one hand, the respondents have given several opportunities to the applicant, on the other hand - the applicant was very irresponsible in not leaving the leased flat which must have been required by his junior officers. However, since the applicant has since vacated the quarter on 13.2.1997, ^{apparently} we find that there is no legal hurdle in the matter of granting post-retirement complimentary passes as per rules but, for that, he will have to apply to the respondents as per rules and on receipt of such application, they shall dispose it of within the four corners of the rules. If after such consideration the applicant is found eligible to get post-retirement complimentary passes, they shall give effect to the decision only prospectively. We would like to observe that the arrear hunger cannot be fed and in the same way, the arrear compliments cannot be paid. The applicant is, therefore, entitled to be considered for getting post-retirement complimentary passes only prospectively. The O.A. is accordingly disposed of without passing any order as to costs. The M.A. No. 121/96 is also taken up on today's list and it is disposed of accordingly.


(D. Purkeyastha)
Member (J)


(B.C. Sarma)
Member (A)