

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A .No. 597/2006

Thursday this the 24th day of August, 2006

CORAM :

HON'BLE Mr.K.B.S.RAJAN, JUDICIAL MEMBER

K.P.Viswanathan
Retired Senior Station Clerk
Southern Railway, Calicut
Residing at : Prayag, Maruthayi
Porora Sub PO, PO Mattanur
Kannur District : Applicant

(By Advocate Mr. T.C.Govindaswamy)

Versus

1. Union of India represented by the Secretary
to the Government of India
Ministry of Railways
New Delhi
2. The Senior Divisional Personnel Officer
Southern Railway, Palghat Division
Palghat
3. The Chief Personnel Officer
Southern Railway, Headquarters Office
Chennai - 3 : Respondents

(By Advocate Mr. P.Haridas)

The application having been heard on 24.08.2006, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE Mr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant, an Ex-serviceman, joined the Railways and after serving for 19 years and 4-1/2 months, superannuated from the Railways. As the law relating to the grant of post retirement passes stipulates a minimum period of 20 years in the Railways, the applicant is not being given the facilities of post retirement passes.

2. The applicant has submitted that provisions exist for relaxation by the Ministry of Railways in respect of grant of post retirement passess and one such case relates to Shri V.K.Rajagopalan in whose case the deficiency in service is about one and a half months. The said Shri Rajagopalan approached this Tribunal in OA 1584/94 and the said OA was disposed of, vide order dated 14.03.1995 as under :-

" Applicant a retired Railway employee, seeks a declaration that he is entitled to receive Post Retirement Passes in accordance with the Railway Servants (Pass) Rules, 1986. The rules require 20 years of service as a condition of eligibility for grant of pass. Applicant has put in only 19 years, 10 months and 18 days of service. He may be missing the entitlement by what could be called as the Skin of the Teeth. When the qualifying period is 20 years, it can only be 20 years and not a day less. However, we find that Rule 17 of the Railway Servants (Pass) Rules enables the Ministry of Railways to grant relaxation in appropriate cases. A power of relaxation is visualised to obviate hardships and probably the case of an official with 19 years, 10 months and 18 days may be a case for relaxation. We are told that for purposes of pension any period falling short of 20 years by three months is rounded off and treated as 20 years. However, it is for the competent authority to consider the matter. We are confident that the competent authority will view these matters in their proper perspective and pass suitable orders.

Standing Counsel for Railways submits that the competent authority to consider the request for relaxation is first respondent, Secretary to Government of India in the Ministry of Railways, New Delhi. In the light of this submission, we permit applicant to make a representation before first respondent. If a representation is so made, first respondent will pass a reasoned order thereon within three months of the date of receipt of the representation and communicate the same to the applicant.


The Original Application is disposed of as indicated hereinbefore. Parties will suffer their costs."



3. The applicant has approached this Tribunal, citing the above case of Shri Rajagopalan and seeks a direction to the respondents to grant the applicant the post retirement complimentary passes, if necessary, by relaxation of rules as granted in the case of said Shri Rajagopalan.

4. As the matter is short, it has been felt appropriate to dispose of this case at the admission stage itself.

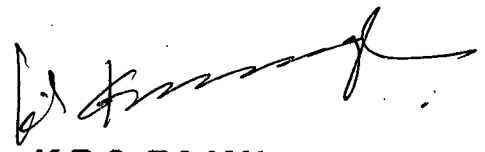
5. The applicant is an Ex-serviceman and his services in the Air Force together with the service in the Railways constitute as much as 39 years plus. And it is felt that compared to the case of Shri Rajagopalan his case stands in a better footing in as much as the total period of service rendered by the applicant both in the Air Force and in the Railways, is, as aforesaid, is about 40 years. The Ministry of Railways having the power to relax the rules, it is felt that this case also may be considered as the Railways have considered the earlier case of Shri Rajagopalan. As such, this OA may be considered as a representation from the applicant and Respondent No. 1 may consider the same in the light of the above observations and come to a decision and communicate the same to the applicant. It is, however, made clear that as the relaxation power is purely discretionary and as such, it is for the respondents to consider it judiciously and pass appropriate orders. The applicant may forward a certified copy of this order together with a copy of



this OA to the Ministry of Railways for necessary action. The contents of OA be treated as representation. A period of three months from the date of receipt of certified copy is calendered for disposal of the representation.

6. The Original Application is disposed of. No costs.

Dated, the 24th August, 2006.



K.B.S. RAJAN
JUDICIAL MEMBER

VS