

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.287/2004

Monday, this the 21st day of June, 2004.

C O R A M

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

V.Narasimha Shenoy,
Retired Station Master,
residing at Opposite I.O.C.,
Petrol Pump, Nullippady,
Kasargod District.

..Applicant

[By Advocate Mrs. Shobha]

Versus

1. Union of India represented by
The Secretary
Ministry of Railways,
Railway Board, Rail Bhawan,
New Delhi.
2. Divisional Railway Manager (Personnel),
Palghat Division,
Southern Railway,
Palghat.
3. The Assistant Engineer,
Southern Railway,
Mangalore.

..Respondents

[By Advocate Mr. P. Haridas]

(The application having been heard on 21.6.2004, this
Tribunal on the same day delivered the following)

O R D E R
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

The applicant, who retired as a Railway Station Master,
Kasargod Railway Station, is now settled at Kasargod District.
According to the applicant, he is entitled to get two sets of Ist
Class Post Retirement Complimentary Passes per year with family,
i.e. his wife and two unmarried daughters. The applicant
applied for the said Pass by application dated 27.12.2003 in the
proper form in respect of himself, his wife and two unmarried
daughters aged 36 and 35 years respectively from Mangalore to



Daund and back via Arkkonam Junction, Renigunta with permission to break journey at Kasargod, Palghat, Arkkonam Junction, Chennai Central, Renigunta, Manthralayam, Gulburga and Sholapur. The above route over Arkkonam and Chennai Central is to avail terminal facilities at Chennai Station. A1 is the copy of the application. When the third respondent did not take any action on Annexure A/1, the applicant made a representation dated 5.1.2004 to the second respondent followed by reminders on 19.1.2004 (A/2), telegram dated 30.1.2004 resting with last reminder dated 7.2.04 and finally, he had received a reply (A/4) dated 9.2.2004 from the third respondent stating that certain clarification regarding the alternate route was required and for that the matter has been taken up with the second respondent and as soon as the clarification is received, the pass will be issued. The contention of the applicant is that as per Schedule II, Rule 3 (vii) (a) (b) and (c) of Railway Servants (Pass) Rules, 1986 (for short, Railway Pass Rules), no clarification is required since the Rule speaks for itself. He contended that as per Rule 3 (vii) (a), he can avail two alternate routes available for a destination and such passes may be permitted by either route irrespective of the distance involved. It is further averred that the routes are decided by the Railway servants and not by the Railways.

2. The respondents have filed a detailed reply statement contending that the applicant having been retired as Group 'C' Railway servant is entitled to get two sets of Post Retirement Complimentary Pass as claimed for in the O.A. subject to same conditions as applicable to Railway servants in service. As per rules, it shall be issued for journey from the starting station



to the destination station as desired by the Railway servant via shortest route and a longer route may be permitted on the privilege pass only in the circumstances where the distance to destination via a longer route does not exceed by 15% of the distance via the direct route. Such passes may be issued even if a double journey over a small portion is involved. It should ensure that the distance does not exceed the distance via the shortest route more than 15% to take advantage of terminal facilities. The journey from Mangalore to Daund and back via Arakkonam, Madras Central, Arakkonam, Renigunta, etc. cannot be granted since the total distance involved is more than the maximum permissible limit. Since the route preferred by the applicant is admittedly a longer one, his request for grant of pass vide A/1 application was not agreed to. Moreover, the longer route preferred by the applicant is also not quicker than the direct route. Therefore, the respondents submitted that the applicant is not entitled for the Pass in the circuitous route which he has asked for.

3. We have heard Mrs. Shobha, learned counsel for the applicant and Shri P. Haridas, learned counsel for the respondents.

4. Learned counsel for the applicant took me through the rules regarding issue of privilege passes and submitted that she is only referring to Schedule II, Rule 3(vii)(a) of the Railway Pass Rules. Learned counsel for the respondents, on the other hand, persuasively argued that the distance for the proposed journey of the applicant by the longer route is 1912 kms. whereas the distance by direct route comes to 1155. By adding



15% of the actual distance by direct route, a total distance of 1325 kms. can be granted to the applicant. Since the route opted by the applicant is more than the maximum permissible limit, he is not entitled to the free pass as claimed for.

5. I have given due consideration to the arguments, evidence and the material placed on record.

6. It is an admitted fact that the applicant is entitled to avail the Railway Pass as stated by him in the application. The dispute regarding the issue of privilege pass to the applicant was that the distance that has been sought to be travelled was in excess of the permissible limit and that it was an alternate route, which cannot be availed since shortest route is available to the applicant. On perusal of the O.A, it reveals that the applicant is 70 years of age and he wanted to take up the journey alongwith his family members consisting of his wife and two unmarried daughters aged 36 and 35 years respectively for a pilgrimage. The applicant submitted that he may have to break his journey in the intermittent stations for the aforesaid purpose and, therefore, the shortest route is not suitable for him whereas the rules permits that the route can be opted by the Railway servant. I have gone through the relevant provisions of the Rule 3(vii)(a)(b) and (c) of the Schedule II, Pass on Privilege Account, quoted by the applicant, which is reproduced below for better appreciation:

"(vii) Privilege pass shall be issued for journey from the starting station to the destination station as desired by the railway servant, via shortest route, provided that a longer route may be permitted on the Privilege Pass in the following circumstances:

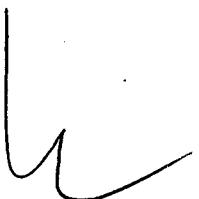


(a) Two alternate routes are available for a destination, for example - Bombay to Calcutta via Nagpur or via Allahabad and Bombay to Delhi by the Central Railway or by the Western Railway - such passes may be permitted by either route irrespective of the distance involved or

(b) If the distance to destination via a longer route preferred by the Railway servant does not exceed by fifteen per cent of the distance via the direct route such passes may be issued even if a double journey over a small portion is involved (for example - ex. Chittaranjan to Kancharapara via Howrah or ex-Lucknow to a station on the Southern/South Central Railway via Bombay V.T.), provided the distance does not exceed the distance via the shortest route by more than 15% to take advantage of terminal facilities as in Bombay V.T., Kalyan or Madras-Arkonam sections; or

(c) If the longer route to destination is quicker than the direct route irrespective of distance involved."

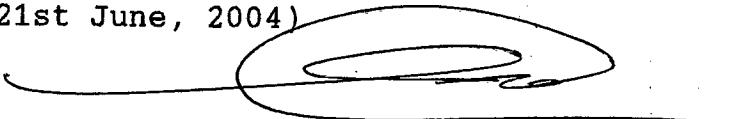
7. It is quite evident from the above rule that two alternate routes are available for a destination and the Pass may be permitted by either route irrespective of the distance involved for which an example was also given above. The clause (b) of the said rule states that the longer route should not exceed by fifteen per cent of the distance via direct route. The respondents have relied on clause (b) referred to above. But as far as the present case is concerned, clause (a) is very clear and cogent that two alternative routes are available for a destination and in such cases, the passes may be permitted by either route irrespective of the distance involved. The applicant's case is squarely covered by the clause (a) above. In the given case, one cannot say that the option taken by the applicant is faulted. I am of the considered view that the denial of Passes to the applicant in such circumstances is not in conformity with the rules and, therefore, I declare that the applicant is entitled to the Pass as prayed for in the O.A. But the respondents' counsel submitted that the request for Pass was for 2003 and the date for issuing the same was over by 31.3.2004.



8. In the conspectus of the facts and circumstances of the case, I direct the respondents to consider the case of the applicant in terms of Rule 3(vii)(a) of Schedule II (Pass on Privilege Account) of the Railway Servants (Pass) Rules, 1986, and issue the entitled Pass to the applicant. Since the application (A/1) pertains to the year 2003 and the period already expired on 31.3.2004, the applicant is at liberty to submit a fresh application if he so chooses, for the current year or any other period in future and in case, he submits such an application from time to time, the respondents shall consider and grant the same forthwith in terms of the observation made above. It is further made clear that this order will not stand as a precedence.

9. The Original Application is allowed as indicated above. No order as to costs.

(Dated, the 21st June, 2004)


K.V. SACHIDANANDAN
JUDICIAL MEMBER

cvr.