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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

ORIGINAL APPLICATION No.191 OF 1987.

Shri Rabindra Chandra Kunde,
Satwa Ratan Co-op.Hsg.Society,
Mahul, R.C.Marg,
Bombay - 400 074.

.. Applicant
(Mr.E.K.Thomas, Advocate)

V/s.

- 1) Union of India.
- 2) The General Manager,
Central Railway,
Bombay V.T.

.. Respondents
(Mr.V.G.Rege, Advocate)

Coram: Hon'ble Member(J), Shri M.B.Mujumdar
Hon'ble Member(A), Shri P.S.Chaudhuri

ORAL JUDGMENT:

Dated: 8.2.1990

[Per: Shri M.B.Mujumdar, Member(J)]

The applicant was appointed as Traction Power Sub-Station Operator on the then GIP Railway in 1950 and he retired on superannuation on 30.4.1983 as Chief Traction Power Controller in Central Railway. He had opted in favour of Provident Fund. While he was in service, he was allotted a railway quarter at Koliwada. As he did not vacate the quarter after his retirement, eviction proceedings were started under the Public Premises (Eviction of unauthorised occupants) Act and in these proceedings an eviction order was passed on 22.11.1984. The applicant preferred an appeal against that order in the City Civil Court at Bombay and obtained stay from that court. However, that appeal was dismissed and thereafter he vacated the railway quarter on 1.5.1985.

2. By letter dated 11.6.1985 rent/penal rent amounting to Rs.5,185.60 for the period during which the applicant was in possession of the quarter after retirement, was deducted from the amount due to the applicant towards special contribution to Provident Fund and the applicant was paid

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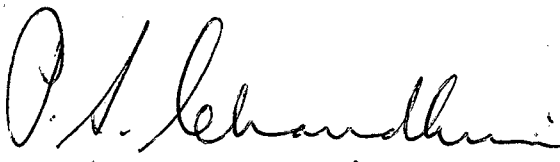
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the balance of Rs.15,066.10. The post-retirement complementary passes were not issued to him. Hence, the applicant has filed this application on 18.3.1987 claiming the amount of Rs.5,185.60 which was deducted towards rent/penal rent from the amount and post-retirement complementary passes with retrospective effect from 1.5.1985.

3. In view of the judgment of the Supreme Court in SLP No.7688-91/1988 (Namely, Rajpal Vs. Union of India & ors.), Mr.Thomas, learned advocate for the applicant did not press the application except in respect of post-retirement complementary passes. At the end of the judgment the Supreme Court has directed that the respondents will issue the passes prospectively from the date of the order. Mr.Thomas wants us to dispose of the application by passing a similar order in this case.

4. In result, we direct that the respondents will issue post-retirement complementary passes prospectively to the applicant from the date of this order. There will be no order as to costs.

5. We may like to add that the Railway Board should consider about revising their orders regarding stoppage or issuance of post-retirement complementary passes on the basis of the above mentioned Supreme Court judgment.


(P.S.Chaudhuri)
Member(A)


(M.B.Mufundar)
Member(J)