

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY 400 614

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OA.NO. 908/88

Shri Karamsingh B.Aghicha ... Applicant

v/s.

Union of India and others ... Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar  
Hon'ble Member (A) Shri M.Y.Priolkar

TRIBUNAL'S ORDER

Dated: 2.1.1989

Heard Mr.G.K.Masand, learned advocate for the applicant and Mr.A.L.Kasturey, learned advocate for the respondents. By an order passed on 20.12.1988 the application was admitted. Today, we are required to consider the question of interim relief only.

2. The applicant is compulsorily retired under Rule 2046(h) of the Indian Railway Establishment Code Vol.II by order passed on 1.7.1988. Three months pay and allowances are paid to the applicant.

3. In para.9 of the application the applicant has by way of interim relief prayed for, (i) full pay and allowances on the basis that he continues to be in service, (ii) to permit the applicant to have medical facilities for himself and his family on the basis that he continues in service inspite of the order of compulsory retirement, (iii) to direct the respondents to issue free railway passes to the applicant as if he is still in service, and (iv) restrain the respondents from evicting the applicant from the railway quarters which are in his possession, namely, Quarter No.K-94, Badhwar Park, Colaba, Bombay-400 005. Mr.Masand did not press for the interim reliefs at Sr.No. (i) and (iii).



4. As we have already admitted the application and as the case involves some law points, we are inclined to allow the applicant to occupy the railway quarter which is in his possession till the disposal of this application. We are also inclined to allow him to have medical facilities on certain terms.

5. We, therefore, pass the following interim order which will be in force till the disposal of this application :


(i) The respondents shall not evict the applicant from the railway quarters in his possession, namely, Quarter No. K-94, Budhwar Park, Colaba, Bombay-400 005. The respondents may recover the rent from the applicant at the same rate at which they were recovering it prior to his compulsory retirement. It is, however, made clear that if the applicant does not succeed in the application, he shall have to pay the rent according to rules on the basis that he has retired on 13.7.1988. The respondents may retain sufficient amount, say Rs.12,000/-, from the amounts due to the applicant on account of compulsory retirement, such as from the amount of DCRG. The respondents may consider paying the balance of DCRG and other amounts due to the applicant, including commutation of pay. Pension

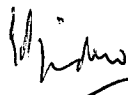
(ii) As regards medical facilities, we direct that the respondents shall give the medical facilities to the applicant on the basis that he has retired on 13.7.1988. However, if the applicant succeeds in this application, the respondents will be required to pay the difference between the amount



which he would have been required to pay as a serving Government Servant and the amount which he will be paying now.

- (iii) Respondents to file the reply on 24.2.1989. Keep the case on 24.2.1989 before the Registrar for reply and directions.

  
(M.A. Mujumdar)  
Member (J)

  
(M.Y. Priolkar)  
Member (A)