

Hence for all these reasons we are of the view that the applicant cannot be said to be in unauthorised occupation of the quarter during the period in question. Hence he will be entitled to post-retirement complimentary passes atleast from this ~~order~~ <sup>year</sup>, though we cannot direct that the passes should be issued for the previous period which has already elapsed. We therefore, direct the Respondents to issue Post-retirement Complimentary Passes to the applicant Shri Madanlal Kanungo, from this year i.e. 1986. With these directions Transferred Application No.302/86 and Original Application No.192/86 are disposed of, with no order as to costs.

S.P.M.  
(S.P.MUKERJI)

MEMBER(A)

(M.B.MUJUMDAR)  
MEMBER(J).

10-11-86

approach the Tribunal. Without passing any order on that purshis, the suit is transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985. On 25th of June, 1986 the applicant has moved this Tribunal by filing an application under sec.19 of the Administrative Tribunals Act. He has claimed the same relief in the application and it is numbered as Original Application No.192/86.

We have just now heard Mr.M.D.Tiwari the learned Advocate for the applicant and Mr.S.R.Atre for P.M.Pradhan, the learned Counsel for the Respondents. We have also considered the various documents carefully and we are of the view that the applicant will be entitled to post-retirement complimentary passes atleast from this month.

We have already referred to the order of the Additional Divisional Railway Manager dated 14.10.1982, by which the eviction proceedings started against the applicant were dropped and a direction was given to allot some quarter which would fall vacant to the applicant's son Kishore Kumar. We have also pointed out that the applicant was allowed to share the quarter with his son till his son was given some other quarter.

The Respondents had filed written statement in the Court of Civil Judge, Junior Division, Bhusawal and about this order they have stated in substance that it was passed erroneously. They have referred to one letter of the Railway Board dated 15.5.1982 and according to them the order was not correct in view of the instructions given in that letter. They have pointed out that the position was clarified subsequently by a letter dated 7.7.1983. But while passing the order on 14.10.1982, in all probability, the Additional Divisional Manager must have taken into consideration the instructions given in the Railway Board's letter dated 24.4.1982. Apart from this the Respondents have never specifically ~~cancelle~~ <sup>concept</sup> the order passed on 14.10.1982. Moreover, the applicant and his son have shifted to the new quarter allotted to the son on 20.8.1983.

to share the accommodation with his father and accordingly permission was granted to him by the Respondents and he was also not paid HRA for the period during which he was staying with his father. After the retirement of the applicant the Respondent started eviction proceedings against him. But when the facts were brought to the notice of the authorities, the Additional Railway Manager, Bhusawal on 14.10.1982, directed that the proceedings for eviction, if already initiated should be stopped because permission for sharing the accommodation had been given to the applicant. The order further directed that Kishore Kumar should be given some quarter which would fall vacant subsequently and till then he should be permitted to stay with his father in the same quarter.

Thereafter, on 4.7.1983 some quarter was allotted to Kishore Kumar but that order was held in abeyance for one reason or the other by an order dated 11.5.1983. Subsequently, by an order dated 4.7.1983 some other quarter was allotted to Kishore Kumar and he shifted to that quarter along with his father i.e. Applicant on 20.8.1983. On 26.10.1983 the impugned order was passed by the Divisional Railway Manager informing the applicant that as he had retained the Railway Quarter during the period from 1.3.1982 to 20.8.1983 unauthorisedly one set of pass for every month of that period was dis-allowed to him.

The applicant challenged the above order by filing Regular Civil Suit No.14/1986 in the Court of the Civil Judge, Junior Division at Bhusawal. When that suit was ready for framing issues, the applicant passed a purshis for permission to withdraw the suit because this Tribunal was constituted and he thought it better to

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

O.A. No.192/86.

Tr. No.302/86.

Shri Madanlal Kanungo,  
C/o.K.K.Kanungo,  
Rly Quarter,  
No.Ty.F.C.2/D,  
Near Krishna Chandra Cinema,  
Loco Road, C.Rly,  
Bhusawal.

.... Applicant

V/s.

1. Union of India,  
(Represented by General  
Manager Central Railway  
Bombay).
2. General Manager, Central  
Railway, Bombay.
3. Divisional Railway Manager,  
Central Railway, Bhusawal. .... Respondents

Coram: Member(A), S.P.Mukerji,  
Member(J), M.B.Mujumdar.

Appearance:

Mr.N.D.Tiwari, advocate  
for the applicant and  
Mr.Atre for P.M.Pradhan  
Counsel for Respondents.

Oral Judgment:

(Per M.B.Mujumdar, Member(J))

Dated: 21.10.1986

By this judgment we are disposing of  
Transferred Application No.302/86 and Original  
Application No.192/86.

The Applicant Shri Madanlal Kanungo had retired  
as Head Ticket Collector, while he was working at  
Bhusawal Railway Station, w.e.f. 31st December, 1981. At  
the time of retirement he was in occupation of Railway  
Quarter bearing No.G-105. Since prior to his retirement,  
his son Kishore Kumar Kanungo was staying with him in the  
same quarter. He was employed as Tracer in Signal and  
Telecommunication Department at Bhusawal from 20th  
April, 1980. Kishore Kumar had applied for permission