

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 393/89
~~T.A. No.~~
~~xxxxxxx~~

198

DATE OF DECISION 24.1.1990

K.Ramkrishnan Petitioner

L.M.Nerlekar Advocate for the Petitioner(s)

Versus

The GM, Central Rly., Bombay V.T. Respondent

Subodh Joshi Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.B. Mujumdar, Member(J)

The Hon'ble Mr. M.Y. Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A.393/89

Shri K.Ramkrishnan,
C/o.R.Krishnaswamy,
C-3,Building No.2,
Shri Ram Co-operative Hsg.Society,
Garden Road, Mulund (East),
Bombay - 400 081.

.. Applicant

vs.

The General Manager,
Central Railway,
Bombay V.T.

.. Respondent

Coram: Hon'ble Member(J)Shri M.B.Mujumdar

Hon'ble Member(A)Shri M.Y.Priolkar

Appearances:

1. Mr.L.M.Nerlekar
Advocate for the
Applicant.
2. Mr.Subodh Joshi
Advocate for the
Respondent.

ORAL JUDGMENT

(Per M.B.Mujumdar, Member(J)) Date: 24.1.1990

The applicant was working as Accounts Officer in the Central Railway and he has retired on 1.5.1986. He did not vacate the railway quarters in his occupation immediately after retirement but he vacated on 16.3.1988. As he had not vacated the quarters the authorities withheld his DCRG and post retirement complementary passes. The applicant has filed this application on 6.6.1989 praying for directing the respondents to start issuing complementary passes to ^{him} ~~the applicant~~ forthwith and for granting Gratuity and other pensionary benefits with 12% interest on Gratuity.

2. In view of the recent judgment of the Supreme Court in Special Leave Petition No,7688/91/1988 dated 27.11.1989 the respondents were entitled to withhold DCRG and post retirement complementary


(2)

passes till the applicant vacated the railway quarters in his occupation. However, in view of the judgment the applicant would be entitled to post retirement complementary passes after he vacated the railway quarters. The respondents granted DCRG on 26.4.1988 i.e. within one month and 10 days of the applicant vacating the quarters. The applicant has claimed interest on that amount but in view of the judgment of the Supreme Court the applicant will not be entitled to interest because the respondents have paid the DCRG without much delay.

3. Then Mr.Nerlekar stated that the respondents were not justified in making the deduction of amount due to him towards rent, penal rent, licence fee etc. But in view of Rule 323-(2) of the Manual of Railway Pension Rules, 1950 the respondents were justified in recovering rent - licence fee according to rules from the DCRG due to the applicant. In view of what we have stated above we pass the following order:-

- (i) Respondents shall issue post retirement complementary passes to the applicant for further period from 1990 onwards as and when he applies for the same.
- (ii) There will be no order as to costs.


(M.Y. PRIOLKAR)
Member(A)


(M.B. MUJUMDAR)
Member(J)