

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

R.P.No.20/2000 & R.P.No.5/2000  
in OA.No.949/99

Thursday this the 4th day of May, 2000.

CORAM : Hon'ble Shri Justice Ashok Agarwal, Chairman

A.M.Attar,  
Ex-Guard,  
R/o. C/oS.A.Attar,  
Rly.Qr.No.RB-II,  
7/6 Mazgaon, Byculla,  
Mumbai.

... Applicant

By Advocate Shri S.S.Karkera

V/S.

1.Union of India  
through General Manager,  
Central Railway,C.S.T.,  
Mumbai.

2.The Divisional Rly.Manager,  
(P) Division Office,  
Personnel Branch, C.Railway  
C.S.T., Mumbai.

... Respondents

By Advocate Shri Suresh Kumar

O R D E R (ORAL)

{Per: Shri Justice Ashok Agarwal, Chairman}

R.P.No.20/2000

M.P.No.312/2000 filed for condonation of delay in  
filing the present application is granted and delay is condoned.

..2/-



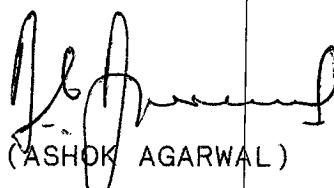
2. Present Review Application is filed on behalf of the respondents for recalling the order passed on 24.12.1999 in OA.NO.949/99. Application is based on a Circular issued by the Railway Board on 12.11.1999 thereby amending Schedule IV (Post Retirement Complimentary Pass) of Railway Servants Pass Rules, 1986. In my view, the aforesaid amendment can have no application to the present case as the applicant has already retired w.e.f.28.2.1997. His entitlement for issue of complementary passes has accrued with effect from the aforesaid date of retirement. Amendment brought <sup>about</sup> out through letter dated 12.11.1999 in the circumstances cannot be made applicable to the applicant. Present Review Application in the circumstances is rejected.

R.P.No.5/2000

Present Review Application is filed by the applicant for reviewing of my judgement passed on 24.12.1999 in OA.NO.949/99. Present application proceeds on the basis that occupation of the applicant in respect of his official quarters for the period from 1.3.1997 to 31.10.1997 has been authorised on account of the withdrawal of case No. 132/98 filed by the respondents against the applicant under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. In my view, the aforesaid case was withdrawn on applicant's giving an undertaking to vacate the quarter by a particular date. Merely because the said case was,



in the aforestated circumstances, withdrawn, withdrawal would not convert unauthorised occupation to authorised occupation of the applicant. Occupation of the quarter after his retirement would still continue<sup>0</sup> to be unauthorised occupation. In the circumstances, I find that no case is made out for the review of the order as ~~claimed~~ <sup>claimed</sup> ~~deemed~~. Present Review Application in the circumstances is accordingly rejected.



(ASHOK AGARWAL)  
CHAIRMAN

mrj.