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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No.733/90
~~XXXXXXX~~
T.A. No.

198

DATE OF DECISION 15.4.91

MR. VISHRAM B.GOD Petitioner

MR.G.S.WALIA Advocate for the Petitioner(s)

Versus

UNION OF INDIA AND OTHERS Respondent

MR.N.K.SRINIVASAN, Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.Y.PRIOLKAR, MEMBER(A)

The Hon'ble Mr. T.C.S.REDDY, MEMBER(J)

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*

W

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
NEW BOMBAY

ORIGINAL APPLICATION No.733/90

Mr. Vishram B. God
C/o G.S. Walia, Advocate,
High Court, 89/10,
Western Railway,
Employees Colony, Matunga
Road, Bombay - 400 019

.... Applicant

VS.

Union of India and others

.... Respondents

CORAM : HON'BLE MEMBER SHRI M.Y. PRIOLKAR, Member (A)

HON'BLE MEMBER SHRI T.C.S. REDDY, MEMBER (J)

Appearance:

Shri G.S. Walia, Adv,
for the applicant

Shri N.K. Srinivasan,
Adv, for the Respondents.

ORAL JUDGMENT

DATED: 15.4.1991

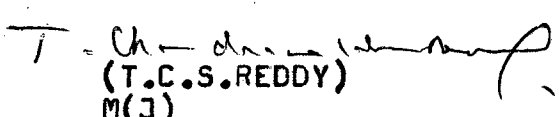
(PER : M.Y. PRIOLKAR, M(A))

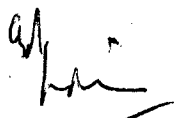
The applicant in this case retired from the Railway service as Senior Electrical Chargeman on superannuation on 30.4.1982. However, he vacated the railway quarter in his possession only on 30.9.1986. For non-vacation of quarter, the Railway have withheld the application's post retirement passess, although he applied for them vide application dated 10.9.1990, even after vacating the quarter. Passess are still not being issued to him on the basis of instructions from the Railway Board,

that one set of post-retirement passess should be disallowed for every month of unauthorised retaintion of railway quarter.

2. This question of legality of withholding post retirement passess for non-vacation of railway quarters has not been decided by a Full Bench of this Tribunal in the case of Shri Vazeer Chand Vs. Union of India (1991)(1) ATJ, 60. In its judgment delivered on 25.5.1990, the Full Bench has held that the the withholding of Post Retirement Passess for non vacation of the quarter is unwarranted and legally impermissible.

3. The learned counsel for the respondents could not give any other reason for withholding the passess except that under ^{the} Railway Board's instructions, such passess are to be disallowed for unauthorised retention of quarters. In view of the judgment of the Full Bench cited above, the action of the Railways of withholding such passess has to be held as illegal. Accordingly, we direct that the respondents should issue the post retirement passess to the applicant in accordance with the rules from the current year. The Current year's passess may be issued within four weeks from the receipt of a copy of this order. There is no order as to costs.


(T.C.S. REDDY)
M(J)


(M.Y. PRIOLKAR)
M(A)

17-6-92

Mr. Q.S. Walia, Counsel for the Applicant.

Mr. N.K. Srinivasan, Counsel, for the respondents.

Learned Counsel appearing for the respondents states that the passes have been issued to the applicant in pursuance of the direction of this Tribunal on 15-4-91.

Shri Walia is not in a position to ^{contradict} ~~clarify~~ the statement.

✓ If the passes ^{have been} ~~are~~ issued already ^{that} ~~there~~ ends the matter.

✓ If the passes ^{have} ~~are~~ not ^{been} issued the same shall be issued within two weeks.

We make it clear that if this order is not carried out, we will take ^{action} ~~against~~ the officer.

With this direction the Contempt Petition No. 30/92 is disposed of.

17/6/92

(M.Y. PRIOLKAR)
M(A)

(S.K. DHANON)
V.C.

order/Judgment despatched
to Applicant/Respondent(s)
on 9/7/92

9/7/92