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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

[REDACTED]
[REDACTED] BOMBAY BENCH

O.A. No. 808/91
T.A. No.

198

DATE OF DECISION 13.4.1992

Bhupinder Singh

Petitioner

Mr. G. S. Walia

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. M. S. Ramamurthy

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N*

MGIPRRND-12 CAT/86-3-12-86-15,000

Y
(M.Y. Priolkar)
M (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY
* * * * *

Original Application No.808/91

Bhupinder Singh

... Applicant

v/s

Union of India & Ors.

... Respondents

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

Appearances:

Applicant by Mr. G.S.Walia, Advocate.

Respondents by Mr. M.S.

Ramamurthy, Counsel.

ORAL JUDGMENT:

Dated : 13.4.1992

[Per. M.Y.Priolkar, Member (A)]

The applicant who retired from Railway service on 6.7.1988 was in occupation of a Railway Quarter which was allotted to him while in service. He vacated the same Railway Quarter on 20.4.1990. The grievance of the applicant is that the respondents have refused to issue post-retirement passes to which he is entitled for the reason of continued occupation of the Railway Quarter even after retirement.

2. This question of legality of withholding post retirement passes for non-vacation of railway quarters has now been decided by a Full Bench of this Tribunal in the case of Shri Vazeer Chand v. Union of India (1991) (1) ATJ, 60. In its judgment delivered on 25.5.1990, the Full Bench has held that the withholding of post-retirement passes for non-vacation of the quarter is unwarranted and legally impermissible.

3. The learned counsel for the respondents, however, submitted that the Railway administration has already filed a Special Leave Petition against the Full Bench judgment and further that they have also ~~got~~ sought a clarification

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on the judgment delivered by the Supreme Court on 27.11.89 in the case of R.P.Wahi and others, on the same subject.

4. In view of the Full Bench judgment cited above, we have to hold that the action of the Railway Administration in withholding the post-retirement has to be held as illegal. Accordingly, we direct the respondents to issue post retirement passes to the applicant in accordance with the rules and ^{the} decision in the Full Bench judgment. We would also clarify that in view of the clarifications sought from the Supreme Court on their decision in the case of R.P. Wahi and others, the respondents would be entitled to act in accordance with such clarifications as may be given by the Supreme Court. The applicant, however, if he is aggrieved by any action taken by the Railways in pursuance of the clarifications given by the Supreme Court will be at liberty to approach this Tribunal ~~in~~ again in accordance with law, if he is so advised.

Let a copy of this order be issued in a week's time.

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13-4-92
(M.Y. Priolkar)
Member (A)

v/-