

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(4)

Original Application No: 1179/92

Transfer Application No:

DATE OF DECISION 18-2-93

Raghunath Waman Darole Petitioner

Mr. L.M.Nerlekar

Advocate for the Petitioners

Versus

Union of India through Divisional Respondent  
Railway Manager C.Rly.Bombay

Mr. S.C.Dhawan


Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri V.D.Deshmukh, Member(J)

The Hon'ble Shri

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

  
(V.D.Deshmukh)  
Member(J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
BOMBAY

O.A. 1179/92

Ragunath Waman Darole

..

Applicant

vs

Union of India  
Through Divisional Railway  
Manager C.Rly.Bombay

..

Respondents

Coram: Hon'ble Mr. V.D.Deshmukh, Member(J)

Appearance:

Mr. L.M.Nerlekar counsel for  
the applicant.

Mr. S.C.Chawan, counsel for  
the respondents.

Dated 18-2-93

Judgement

(Per: Hon'ble Mr. V.D.Deshmukh, Member(J))

The application is admitted and taken for final hearing.  
The applicant who ~~is~~<sup>has</sup> retired from Railway service on 31-10-82 has filed the present application claiming the directions to the respondents to release post retirement complimentary passes to the applicant from December 31, 1992.

The applicant while in service was allotted railway quarter No. RB/II/1000/8 at Waldhuni - Kalyan. Admittedly, the applicant gave vacant possession of the railway quarter on 22-5-1986 although he retired on 31-10-82. According to the applicant as he retained the quarters even after his retirement till 22-5-1986 the respondents did not release the post retirement complimentary passes to which he was entitled.

The respondents filed their reply and relied upon Board's letter dated 4-6-83 under which it was directed that for every one month of unauthorised retention of Railway quarter, one set of post-retirement passes will be disallowed. The directions under the above said letter were challenged

before the various benches of the Administrative Tribunal and ultimately the instructions issued by the Railways vide above said letter were held to be ultra-vires by the decision of the Full Bench judgement in O.A.2573/89 in S.Wazir Chand vs. Union of India & Others decided on 25-10-90. As the said instructions are no more operative, the respondents cannot disallow the post retirement passes to the applicant on the said ground.


The respondents have filed SLP against the decision of the Full Bench (Supra), before the Supreme Court. The same question had arisen before this Tribunal in O.A. 1092/92 decided on 4-2-93. In that O.A. order passed by the Supreme Court on 8-6-91 in the said SLP was also relied upon. Under the order dated 8-6-91 the Supreme Court stayed the operation of the impuned judgement. However, in the said order it was expressly directed that the said order was subject to condition that the railways shall pay all the retiral benefits to the petitioners. After considering this order it was held in O.A. 1092/ 92 that the Hon'ble Supreme Court did not grant any stay as against the benefits which were available to the employees of the railways as a result of retirement.

The learned counsel for the applicant also relied upon the judgement of this Tribunal dated 28-10-1992 in O.A. 839/92 in which in view of the Full Bench Judgement the request of the applicant for restoration of the facility of post retirement passes was granted prospectively.

In view of the above discussions the application is allowed and the respondents are directed to grant to the applicant post retirement passes prospectively. If eventually after the final decision of the Supreme Court the applicant is not entitled to certain post-retirement passes the respondent shall be at liberty to adjust the passes

against the entitled number of post-retirement passes which they may issue to the applicant against the future entitlement.

No order as to costs.

  
(V.D. Deshmukh)  
Member(J)

K.